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SYMPOSIUM TRANSCRIPT

INTRODUCTION

Weaver: Good morning and welcome everyone. My name is Courtni and I'm the president of the Oliver Hill chapter of the Black Law Students Association here at the University of Richmond School of Law. On behalf of BLSA, I would like to thank each of our esteemed speakers today for their knowledge, and their willingness to educate others. I would like to thank each attendee for donating their time to learn with us today. And I would like to thank PILR for not only inviting BLSA to join their symposium this year, but also for creating a platform for black and brown voices to be heard. Finally, I would like to thank the Executive Board of BLSA for everything that they have done to make our organization successful and for everything they did to make this edition of PILR Symposium possible. The school to prison pipeline is such an important topic. I first learned about the school to prison pipeline when I was about 12 years old. And by the time I was 13, I won North Carolina's Frederick Douglass oratorical contest on the topic, something I'm pretty proud about. The school to prison pipeline was so interesting to me because I could actually visualize the pipeline with members of my own family, and community at each stage. As a child, I went to schools where the pages were torn out of the books, and we didn't have the same resources as other schools because we lived on the wrong side of town. I saw my friends and cousins being suspended and expelled for arguing with their classmates or even their teachers. I saw students get arrested and . . . and go to jail for getting into minor altercations with their classmates. Their education was taken from them from making a mistake, for being a kid, for having a bad day. I just couldn't understand. Over time, I saw those same students and family members become repeat offenders of minor crimes until they got a lengthy sentence. And it start . . . and it started from a student resource officer removing them from the classroom. The school systems' zero tolerance policies ultimately have costed minority and disabled students their lives. There was no restorative practices and institutional racism, it it was the norm. I began to study more in depth what the school to prison pipeline was and how it relates to systemic racism. And so the school to prison pipeline is the policies and practices that are directly and indirectly pushing students of color . . . out of school and on the pathway to prison, including but not limited to harsh school discipline policies that over use suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, over reliance on referrals to law enforcement and the juvenile justice system, and an alienating and punitive high stakes testing driven academic environment. The school to prison pipeline deprive students of color of their futures by pushing them out . . . out of the school, and into the path and into the pathway of colleges and careers, and into the juvenile and criminal justice systems instead. I just want

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to thank . . . thank PILR again and all of our esteemed guests, umm because today we will be learning about various elements of the school to prison pipeline. My hope is that each of us will become positive forces in eliminating the school to prison pipeline. And now I will turn it over to Eudora Arthur.

Arthur: Hi everyone! Thanks, Courtni. I'd like to welcome you to the Richmond Public Interest Law Review's annual symposium, um I'm the editor in chief of the Public Interest Law Review, or as we call it, PILR. Every fall we hold a symposium on an important topic in public interest law. Back in the summer, we thought that pushing this event to spring would allow us to be in person today. Um but of course, the world is not yet normal. We nevertheless welcome you to the University of Richmond's zoom hosting account. Speaking of which, I would like to add that I'm very proud of the fact that this is the first time I've worn a suit jacket in a full year. Um at least I can still say that I haven't worn suit pants. Just kidding. I'm wearing pants. Um . . . PILR publishes three issues per year, our general assembly issue, the symposium issue and the general topics issue. Our authors include academics, practitioners, legal professors, students and individuals in the community that dedicate their work to the betterment of the Commonwealth and the nation. I want to thank you all for dedicating your time today to an extremely important topic. Perhaps most seasoned attorneys such as yourselves were well aware of the insidious inequities built into our systems that oppress whole communities, but the summer sparked by the murders of George Floyd, Breonna Taylor, and countless others movements across the country demanded that the state of things be tolerated no longer. There is much work to be done and PILR lending its platform to aid in that progress was extremely important to all of us. Today's agenda is filled with speakers and panels of practitioners and academics that have dedicated their careers to doing that work. Following an introduction on race and criminal . . . and the criminal justice system by Julie McConnell, we will hear from our keynote speaker Valerie Slater. In the afternoon Fallon Speaker will discuss the weaponization of education and a panel on modern day segregation will follow. Finally, Rodney Robertson, . . . the . . . Robinson, the 2019 National Teacher of the Year will share with us his experience fighting the school to prison pipeline. We will conclude with some closing remarks from PILR symposium editors, Carly Wright and Sogand Falahatpour, I'd like to thank our panelists, moderators and speakers for giving their time to participate in today's event, the faculty and staff of the University of Richmond School of Law for their support and assistance and PILR's editorial team for their hard work. I'd like to especially thank Carly and Sogand for their diligent work and putting this event together. Journal is a wild ride when there isn't a global pandemic happening and these two put together an extraordinary symposium with extreme flexibility and grace. And finally, I want to thank Carl Hamm, our very own UR IT guru, who is

arguably the busiest and most . . . most sought after individual in the Richmond law community. Finally, I would like to thank the Black Law Students Association, not only for partnering with us to make this symposium as informed as possible, but for all the thankless work they have put in since the summer to help the law school figure out how to land on the right side of history, and perhaps endeavor to create a better experience for a hopefully growing number of black students. This is an ongoing responsibility, that has taxed them in a time already extraordinarily taxing. By this I not only mean as law students, but as members of the . . . of a community on the front lines of a fight for equality. Now to get us started, our lead articles editor, Julianna Meely will introduce our first speaker.

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RACE AND THE CRIMINAL LEGAL SYSTEM: A RECIPE FOR
REFORM

Julie McConnell

INTRODUCTION

Meely: Good Morning, my name is Julianna Meely, and I will be introducing our first speaker as Dorie said . . . Miss Julie McConnell, attorney and professor at University of Richmond School of Law. Professor Julie McConnell is a clinical law professor and the director of the Children's Defense Clinic at the University of Richmond. In addition to the clinic, she has taught Advanced Clinical Practice, Juvenile Delinquency Law and Procedure, and The Science of False Confessions. Through the clinic, she and her students represent on a pro bono basis indigent youth throughout Central Virginia who are charged with acts of delinquency. Previously, she served six years as a prosecutor in the Richmond Commonwealth attorney's office, where she was a supervisor, and the juvenile and domestic relations court. In that office, she specialized in the prosecution of violent juvenile crimes, domestic violence, elder abuse, child abuse and sexual abuse and . . . domestic homicide cases. She is a frequent speaker on the topics of best practices and juvenile representation, trauma-informed practice, elder abuse, the impact of child abuse and sexual abuse on children, and clinical education. Prior to becoming a prosecutor, Miss McConnell served as an assistant public defender and before that as a law clerk for the honorable James W. Benton in the Virginia Court of Appeals. Before law school, she worked with the Virginia ACLU and as a community organizer and lobbyist for several not for profits in the Virginia General Assembly, and served as a counselor and special education teacher at a group home for delinquent youths. In 2011, she received the Oliver Hill Juvenile and Domestic Relations Courts Unsung Hero Award. In 2015, she was appointed by Governor McAuliffe to a four-year term on the advisory committee on Juvenile Justice and Delinquency Prevention, and is now serving as co-chair. In 2016, she was selected to serve on the Virginia Bar Association's Commission on the Needs of Children. 2017 she was honored as the Virginia YWCA's Outstanding Woman in Education. In 2018, she was chosen as the Metropolitan Richmond Women's Bar Associations Woman of . . . Woman of Achievement, and in 2019, she was honored as a member of the inaugural class of Virginia Lawyers Weekly 2019 Influential Women in the Law award. Today, Miss McConnell will discuss race and the criminal legal system: a recipe for reform. She will explore the ways that current events are paving the way towards reform of many policies in the criminal legal system. Additionally, she will share ways in which lawyers and advocates can implement meaningful reform to disrupt the school to prison pipeline. Please join me in welcoming attorney Julie McConnell.

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SPEAKER

McConnell: Thank you, Julianna. That's . . . that's always my least favorite part of these. It's . . . it's embarrassing, but thank you for that wonderful introduction. It is such an honor to be here with all of you today. The . . . the folks that are going to speak today are absolutely the best folks doing this work, and I can't wait to hear all of them speak. . . . And I have to say, I'm incredibly proud of my student, Valerie Slater, . . . who was in my very first clinic at the University of Richmond 10 years ago. And it's wonderful to see her out there doing such good work every day. So I have a PowerPoint that I'm going to share with you all about the school to prison pipeline, and about criminal justice reform that has happened this year. And honestly, between the special session and the regular session, it's pretty incredible. All the changes that have occurred, we have so much more work to do. But we've really gotten a good start. So I'm gonna see if...uh... I'm able to share my screen, Carl, it looks like I'm still not able to share, it says uh advanced sharing options, but it doesn't let me actually share it.

Hamm: Okay, I may have turned that off. Let's see, um.

McConnell: Thank you.

Hamm: No, you should . . . you should definitely be able to share. Um . . . Let me see. . . . You're a co-host. Um . . . I'll do it for you. How about that? You can . . . you can just tell me the slide.

McConnell: Ok...Sounds great. Thank you. . . . So what I'm gonna do is I'm going to give you a little background on the school to prison pipeline and how it works nationally and in Virginia. And then we're going to talk about the legislation that has passed this year that I think will begin to put some cracks in the pipeline. You can go ahead, Carl. . . . So when did the school to prison pipeline start? It's been happening for a long time, but it really took hold . . . um, during the super-predator era when a mythology took...took hold, and gen...and public policy in the General Assembly and in Congress was shaped by this myth that we were going to have a wave of superpredator kids that would be threatening our communities, threatening our schools, and that we had to get tough on crime. We had to try these kids as adults. We had to keep them in prison as long as we possibly could. We had to bypass juvenile justice system and go straight to prison even with teenagers. And this happened because after Columbine, everyone was terrified. We had never seen anything quite like a mass shooting at that level in a school. And it was the beginning of an era . . . um . . . in which politicians began to run on how tough they could be on crime. How quick they were to try kids in adult court. How quick they were to remove those children from schools when they were

causing problems. That's when the zero tolerance policies that Courtni referred to earlier really started to take...take hold. We would automatically suspend and expel kids who got in trouble in school for very minor offenses in many cases and in some case serious offenses, but the vast majority of the suspensions and expulsions were occurring because of things like disorderly conduct, cursing out teachers . . . um . . . refusing to stay in your seat, and more recently, refusing to give up your cell phone. We saw that in the South Carolina video that I'm sure many of you have seen of the School Resource Officer pulling the child out of her chair, throwing her to the ground because she wouldn't give up her cell phone. Um, tragic . . . uh. . . change of events in terms of using police officers to discipline in schools. What we see is that this is used . . . um . . . far more frequently in marginalized communities where families are already struggling. Where kids are already struggling because of intense poverty and other challenges in their communities. Exposure to violence at an early age. Those are the kids that are getting pushed out of school at a much higher rate than White suburban kids. My child goes to a suburban public, suburban public school and she's never had anything but extremely positive interactions with her School Resource Officers. But for many children, it's a warzone every day when they go to school and police officers are often . . . um . . . they've...they have lists of kids that they know are troublemakers in the school and are they're very quick to charge them rather than just try to de-escalate the situation. And that's not because police officers are bad people, it's because that's what they're trained to do. And when we put police officers in schools, they believe that their job is to enforce the law, and so they're going to take those cases to court that used to be resolved in school. Like school fights. Those now go to court . . . um . . . where people end up not ever getting to the root causes of the conflict and only getting a criminal conviction that will affect them for the rest of their lives. Along with that became mandatory minimum . . . um . . . overuse and mass incarceration for, for kids all the way to adults. That's why we have the crisis that we do today, because of the policies that we put in place in the 80s and 90s. You can go ahead Carl...To the next slide please.

Alright, so the school to prison pipeline . . . um . . . the Virginia data is essentially that Black students make up about 23% of the statewide student population. But they received 57% of short-term suspensions; 58% of long-term suspensions; 50% of expulsions, which is typically for a full year, at a minimum, and, 37% of modified expulsions. So clearly . . . uh . . . uh . . . an extreme over-representation of Black children in the, the group of kids that we actually push out of school. You have to understand that sometimes discretion is involved in these . . . um . . . situations, and that schools have a choice in certain situations about whether to expel or suspend. Unfortunately, that choice is often exercised in a more harsh way against Black children.

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The suspension rate for Black students was also 4.5 times larger than the suspension...the suspension rate for White students even when you include Hispanic students. So again, this is an extreme disparity. The rate of short-term suspensions issued to students with disabilities, which is another important category to talk about, was 2.3 times larger than the rate of students with disabilities. This is based...based on data from the 2017 school year. It's been a little bit hard to get more up to dated data, updated data because of COVID. The reason I include the data on students with disabilities, is that many kids who have Individualized Education Plans for special education needs are also suspended at a much higher rate, because often times School Resources Officers and school officials don't really understand the disabilities at issue and what accommodations should be in place, and they suspend kids for behavior that is largely related to their disability. Go ahead Carl.

So again, most of these suspensions were for cell phones, inappropriate language, disorderly conduct, and other minor behaviors. Um . . . at the same time that we see a high rate of school push out, we also see a poor school climate rating in general. Often times their standards of learning . . . um . . . testing scores are not up to par, they're not accredited, they're having a serious problem with drop out and lower test scores. And when kids are suspended, they miss meals and they're unsupervised in the community. They're missing their daily school classes. They often get a very shortened version of school where a teacher will just come into the home after school a couple days a week and do some, you know, papers with them and that's the extent of the education they get if they're lucky enough to get that. And then other kids get sent into alternative education schools, which unfortunately simply warehouse kids. So once kids are suspended, there is a much higher rate of drop out, more mental health problems, more delinquency, and substance abuse problems. Go ahead Carl.

So we also have regional disparities. Of the 1.2 million Black students who are suspended nationwide in 2011 . . . two . . . eleven . . . 2012 more than half were from Southern states. So very interesting that we're continuing to see widespread discrimination at an, at an even higher rate in the Southern states. Half of all Black students expelled were from these states. And in many of these districts, Black students comprised 100% of the students that were suspended or expelled in a given school year. Go ahead.

And 48% of the individuals serving life, or virtual life, in this country are...these are people that will die in prison for their crimes, are African American. 48%. 15% of people serving life and virtual life are Latino. And 56% of people in the United States serving time for a drug offense...the War on Drugs is largely responsible for this...is 56% percent. And although only 8% of adults in the United States had a felony conviction in 2010, one in

every three felons were African American men. And I want to be clear, this is not because African American men are committing crimes at a higher rate than other individuals. It's that we are disproportionately punishing those offenses when minority individuals are involved. Thank you, Carl.

Alright let's talk about some other racial disparities in the Criminal Justice System. I'm sure all of you heard in the last few days about this incredibly unfortunate event involving Amanda [Gorman], one of the most well-known faces in the country at this moment. An extraordinary young woman who read a poem that I'm sure you've all gone back to read since the Inauguration. Absolutely glorious. She tweeted just the other day, that a security guard tailed her on her way home, on her walk home, to her gated community. She demand...he demanded if she lived there. And he told her you look suspicious. She showed him her keys, and she buzzed herself into her own building. He then turned away with no apology. And she noted that this is the reality of Black girls. One day you're called an icon and the next day a threat. And this really moved me, because if you can be as famous today as Amanda [Gorman] is, and still have security officers follow you home, simply because you don't look like you belong, we have such a long way to go. I see this with my clients every day. I had a case not that long ago of a young man who was literally putting his key in the door of his home, which was right outside one of the, uh, public housing units, not, not in the public housing complex, but right outside the neighborhood. He's walking up his stoop, putting his key in the door, and police officers stop him and start questioning him. And he says "I'm not doing anything wrong I'm going to go into my house now. And they say, "no you're not, tell us your name, tell us your birth date, tell us your address." He said "this is my address, this is where I live, this is my name. I'm gonna call my mother and you can talk to her and she's gonna tell you that I live here." They wouldn't let him do it. They kept demanding his birthday. And when he wouldn't give them his birthday because he didn't feel like he had to because he wasn't doing anything wrong, and he'd had so many encounters like this with the police, they tackled him, four police officers, to the ground. Tried to put him in handcuffs, and when he moved his arm to resist, they charged him with felony assault of a police officer. This is what we see. Especially with young people. They in anyway resist the attempt of the police to control them, there will be harsh consequences. And this case, this young man was charged with what would be on his record for life, a felony. Thankfully we were able to get it dismissed, but there are many other cases where this is not the case. Go ahead Carl.

So, I think this is a particularly powerful quote from the United Nations Racial Disparities report: "As of 2001, one out of every three Black boys born in that year could expect to go to prison in his lifetime, as could one of every

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six Latinos—compared to one of every seventeen White boys.” Even the statistic for White boys is too high, but this statistic, is horrifying. Go ahead Carl.

So, with the racial disparities that are so inherent in the criminal justice system, we see at every level of interaction with the criminal legal system there are disparities in the way decisions are being made. Black children are for...far more likely to be held in custody pre-trial than a White child. In New Jersey, a Black child is 30 times more likely to be held in placement as a disposition in a case than a White child. Compared to Virginia where our statistic is that we are 6.9 times more likely to hold a Black child than his White counterpart. And I want you to understand this is comparing apples to apples. This is a child charged with a similar crime and this, the basic background information is the same. And even with that comparison, 6 times, 6.9 times more likely to hold that Black child than we would a White child. And on average African American youths are 5 times more likely to be held in custody than White youth. That's across the country. And according to data collection, in 2016 Black juveniles accounted for 35% of juvenile arrests that year, but only 15%— they are only 15% of the children who populate the United States. Go ahead Carl.

I think this is a particularly meaningful, um...chart. This is from the Department of Juvenile Justice. So this is Virginia data. In the fiscal year 2019-2020, the population of children under age 18...so this is particularly children 10 to 17 in Virginia, 54% of those children are white, 20% are black, and 26% are other. So look at this first graph, as you can see, much larger proportion of the population is white children. But as we go down deeper into the criminal legal system, you'll see that we are disproportionately punishing black children over white children. So I'm going to take you through this. In the intake cases, so this is when the police officer first goes to the equivalent of a magistrate to take out a charge for a child. Forty percent of the cases that go to the court's service unit to . . . for intake are white kids, and 40% are black. So we're dead even, here, half and half. The ones that actually result in a complaint, where a petition is filed and it goes to court, in juvenile court, 38% of those are white, 43% are black. So we're starting to see that disparity. Next, when a decision is made by the court service unit about whether to hold the child or not, 25% of the time, if the child is white, we hold them. 57% of the time, if the child is black, we do not. When that petition is actually filed in court rather than diverted...away from the court system, 37% of the time . . . 37 of the petitions that actually go to court, instead of being diverted are white, 45% are black. So again, we're starting to see an even greater disparity here on that, that... that key decision point of whether to divert or whether to take it to court and have it be something that is now

going to impact this child for the rest of their lives. Of the cases where individuals are found guilty, 32% of the time they're white, 50% . . . 50% . . . I should say it this way: 50% of the cases that are tried, uh, if the child is black, they're found guilty. And then the next decision point is whether to hold them in detention or send them to, to prison for . . . as a punishment for the crime. 39% of the time, um, we do it if they're white. 45% of the time we do it if they're black. And then finally that, that ultimate deepest end of the juvenile justice incarceration system is commitment to the Department of Juvenile Justice at Bon Air, 19% of the time, the kids are white, 67% of the kids are black. So again, unfortunately, there is implicit bias and many other issues at play that cause the disparities to grow deeper and deeper as we get into the system. Go ahead Carl.

Even during COVID when there's been an increased focus on releasing kids whenever possible to avoid congregate settings, the kids that are getting released, I'm ashamed to say, are the white kids. Um, there was a report that just came out this week in the Marshall Project that said that, at this point, because of COVID, fewer children are incarcerated than at any point in this country's history since the 1980s, okay, so we're actually seeing real progress on whether we should hold kids or not right now. But, the kids that are being left in detention and prison are black and Latino teens. They interviewed more than a dozen juvenile justice officials across seven states, and they saw that almost entirely the population was black and brown. By May 2020, detention centers were releasing white youth at a 17% higher rate than black youths, according to a monthly survey of juvenile justice agencies. This was done by the Annie Casey . . . Annie E. Casey Foundation, the absolute best folks doing this work. This is tragic. Go ahead.

And the US Department of Education Office for Civil Rights has these statistics that back this up. Nationally, though, black students are just 16% of the total enrollment in public schools. . . 16% . . . they comprise 32% of in school suspensions and 33% of out . . . out of school suspensions, this is just mirroring what we're doing in Virginia and nationally. Five percent of white students have been suspended during their schooling experience. So only 5% of white kids have ever been suspended, but 16% of black kids have. And I want you to understand that there is a lot of discretion here that is being exercised in a way that disproportionately impacts black and brown kids. This is not just that black and brown kids are behaving more inappropriately, I don't want you to get that idea at all.

This is another important thing to understand when trying to . . . get a grip on what is happening with the school to prison pipeline. This is happening as early as preschool. Kids are being suspended from preschool. Now we have done a lot in Virginia, and you'll hear about that later today, to reduce how

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frequently that can occur. But unfortunately, it is still happening. And it has happened a lot historically. So nearly half of all preschool students suspended are black, though they represent only 18% of total school enrollment. Go ahead, Carl.

So we're going to talk about the impact of structural, uh, racism on the entire criminal legal system. All of these things and more affect how people get into the system. So it's important to understand the role that housing inequities, mass incarceration, poverty, the war on drugs, redlining, stop and frisk policies, food deserts, a lack of generational wealth, computer . . . community policing, and Jim Crow—all are a part of this puzzle. So I'm just going to briefly tell you, if you . . . if you don't know what redlining is, this is a historic practice in which, uh, mortgage companies and mortgage insurance companies and banks, uh, would, would mark certain neighborhoods as more desirable than others. And the ones that were the least desirable in their mind were the redlined, uh, communities. And so it's extremely difficult for people to get mortgages and, um, homeowner's insurance. And so we created segregation within our communities by our mortgage lending and mortgage insurance, uh, policies. We actually had a huge suit that came out of Virginia against Nationwide that was one of the biggest, um, settlements in such a case that had ever occurred at the time, maybe the biggest, Tim Kaine tried that case for Housing Opportunities Made Equal before he was governor. Um, so even with that lawsuit, though, we continue to have many many problems related to redlining. Go forward please.

Um, the next is the crack versus powder disparity, I'm sure you've all heard, um, that, that you're far more likely to get a lot more prison time, um, if you have crack cocaine versus powder. So just an example: 500 grams of powder cocaine or five grams, the weight of two pennies, of crack are the equivalent crime under the Drug Act . . . Anti Drug Abuse Act of 1986, you would get at least five years in prison. If you had the weight of a candy bar in crack, or 5000 grams of powder cocaine, those would be the equivalent—at least 10 years in prison. Even though 80% of the defendants who are sentenced for crack offenses are African American, more than 60% of crack users are white and Hispanic. So again, extreme disparity there. Go forward please.

We do have now the First Step Act, which is starting to address some of this, um, there was a Fair Sentencing Act of 2010 that started to address this disparity. People had to petition to have their sentences reduced. Many of them had already served far in excess of what they should have served before they had an opportunity to do this, but this was a start . . . and then with the First Step Act, we've gone even further. This was passed during the Trump administration. And there are some, um...methods now to at least attempt to get your mandatory minimum time reduced, they can't stack the mandatory

minimum time anymore the way they used to, which is a huge difference. So if you robbed two people with a firearm...and you didn't hurt anyone...you would get a mandatory minimum for the first person for the firearm, the second firearm would be a second mandatory minimum, in the state system, it would be three years and five years, so eight years alone just for the gun, not to mention the robbery. And so, um, they have now said under the federal law, that you can't stack those mandatory minimums. Now, we can still do that in Virginia, but we're working on that. Stop and Frisk, um, I know you've heard so much about, um, what happened in New York, it . . . it was extremely, um, discriminatory in the way it impacted black and brown communities. You can go forward please. It was found to be unconstitutional. But I just wanted to share that the, uh, New York ACLU did an analysis that revealed that innocent New Yorkers had been subjected to stop and frisk interrogations more than 5 million times since 2002. Black and Latinx communities continue to be overwhelmingly the target of these tactics because we're over-surveilling and over-policing certain neighborhoods, um, over others, even though we know that many people in the suburbs also use drugs, we focus on certain communities, it's like . . . shooting fish in a barrel. Uh, they know that they're going to be able to find something that will give them justification for, um, for arresting folks. And so they go to where it's easy. At the height of stop and frisk in 2011, under the Bloo-Bloomberg administration, 685,000 people were stopped for stop and frisk, and remember, um, 5 million, uh... of those cases, . . . I'm sorry, that just doesn't make sense. But anyway, many of those cases, were involving people that had done nothing wrong, had no drugs or guns on them, were not committing a crime, were completely innocent. And, and they were just being harassed. And what we know, particularly with young, uh, people, is that traumatic experience of constantly being stopped and harassed by the police has a long term impact on the way they see the police and the way they interact with the police. They're much more likely to falsely confess. They're much more likely to go ahead and speak to officers without Miranda warnings, because they, they know they're not free to leave, even though officers haven't told them that. And so they end up in a situation where it's difficult to challenge the statements that they made, because they, they made them without, um, Miranda warnings, because police officers hadn't officially put in . . . put them in, um, in handcuffs. But they knew from the history of interactions with the police their whole lives that they weren't, it was not safe to leave. Unfortunately, the law didn't always recognize that.

So here's the statistic that I was trying to, um, articulate. Nine out of 10, stopped and frisked New Yorkers have been completely innocent. So community policing briefly, we know what that is, it sounds great. In theory, police officers get to know people in the community. Unfortunately, because so

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many of these interactions are so negative, it actually is something that causes great, um, stress and trauma for many people. And it does not improve their, uh, relationships with the police. Go forward please. Also, it is used more heavily in, in certain areas, so that over policing and over surveilling results in catching more people in the net that ultimately leads to, leads to incarceration. It's, it's trying to solve social problems with incarcer-, incarcerable solution and it just doesn't work. Police aren't really trained to de-escalate, to handle mental health crises. They don't know how to help someone who really just needs to be in a safe medical setting to get their medications normalized or to, um, to have the opportunity to calm down. And police, the police are not really trained to do that, so they are called into these mental health crises and unfortunately what sometimes happens is people end up dead. Other times, they end up charged with crimes. I have so many clients who's parents called the police because they were having a mental health crisis. And when the police come, they don't know how to handle it. And so W what they do instead is they arrest the person. When the person arrist, arrist...excuse me...resists arrest, they are then charged with a felony assault of a police officer. And never got, they never get the mental health treatment that they deserve. I even had a twelve-year-old client who was charged with two counts of felony assault on a police officer in a situation, such as I just described. Go forward please.

Poverty obviously plays a huge role in this, you all know that, um, this is just some data that emphasizes that, um... incarcerated individuals' income can be extremely impacted by that incarceration because it is almost impossible to find a job after having a felony conviction. Um, they found that incarcerated people aged 27 to 42 had a median, median income of \$19,185 prior to incarceration, a figure that is 41% less than non-incarcerated people of a similar age. So they're already marginalized. Then we incarcerate them and they get out and it's almost impossible to find a decent job with that felony record. Go forward please. And you can go ahead and skip this 'cause I need to move into the, um...So, lack of generational wealth, just to make the point, that historically, we have made it so challenging for Black and Brown families to, to rise in income, that we now see so many collateral consequences of that. This situation that we have created. I think it is important to note some of these things. The typical Black family has just 1/10th of the wealth of the typical white one. Not because they don't work incredibly hard, not because they are not smart, talented, have great ideas. We don't fund Black owned businesses. We don't support, um, opportunities for growth the way we should, to make up for the things that we have done, to make it impossible for people to rise out of poverty. Go forward please.

Alright, so I am going to talk about some of the new laws that I think are

really important. These are things that I hope will bring about some change in school to prison pipeline. Again, this is not enough, but this is a start. And there are some incredible folks, even on the, um, symposium today, who have worked on a lot of this legislation. There are many more good ideas to come in the next session, but I have to say that I don't think I've seen change at this level occur in the General Assembly in the 25 years I've been working in and around the General Assembly. So go forward please.

So, this is really important. Um, we have done a lot in the last year to reduce the number of kids who will be tried as adults. During the superpredator area, era, which again has been completely debunked, the data, the data they used in the superpredator era was completely false. We have actually seen a reduction in juvenile crime rather than an increase, consist-, consistently since, um, Columbine. But we have continued to try as many kids as possible as adults. The statutes were designed to make it easier for prosecutors to move kids into adult court for certain crimes. That was pulled back this year, thanks to some incredible advocacy and now there are going to be many more steps that prosecutors have to go through before they can try a juvenile as an adult. And very few cases will be automatically transferred to circuit court. There still is room for that, but thankfully much less so. Go ahead.

We also now, um, have legislation that clarifies for judges that they do not have to impose mandatory minimums on children. This was something that was happening regularly when children were being tried as adults, they would get those mandatory sentences, the three and five years that I talked about for the firearm if they committed a robbery. This is if they got five dollars and, and had their hand in a pocket to look like a gun but didn't even have a gun, three years and five years if there were two, uh, victims in the robbery. That is no longer the case. Judges could impose the mandatory minimum, but they do not, do not have to. And we hope that the default would be not do. Um, they also now by statute must consider adverse child-, adverse childhood experiences, the ACES work that I am sure you'll hear a lot about today. They have to consider those traumatic experiences in childhood that might be impacting the behavior that they're seeing before them in the court. If they, if the child has ever been in foster care or had interaction with a child welfare agency, that is now something the court must consider. This is revolutionary. We have been trying to get this before judges for years, but now they actually are required to consider it. And they specifically must consider the differences between adult and child offenders. Go forward please.

And next, this is probably the most profound change that happened, um, in the last year or so, uh, in Virginia. When we abolished parole in 1995, we created a...a...a bifurcated jury system in which juries would find...would, would adjudicate guilt or innocence and then after that, they would, if they

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found the person guilty, they would decide a sentence. And the reason that was particularly damaging was that they had no opportunity to see historical data on how, what type of sentence individuals typically got for that crime with those facts, which judges always have access to through the sentencing guidelines. They also cannot suspend time. They cannot recommend alternative programs such as drug treatment, or diversion, or mental health treatment. They, they only can sentence within the range of the crime. So the robbery that I described earlier, robbery by statute, until a change that is about to occur, which I'll talk about in a moment, five years to life imprisonment is the statutory range. If you try a robbery to a jury and they find your client guilty, the jury has to start at five years. If you try a case like that to a judge, the judge can give your client all suspended time. Pretty extraordinary the difference that that makes. Other crimes have much higher statutory minimums, like, um, aggravated malicious wounding. Uh, aggravated malicious wounding is a twenty-year mandatory minimum, so a jury would start at twenty years. A judge could give suspended time. So, very very different in terms of the sentencing you receive from a jury versus a judge. Not because judge... juries necessarily would be more harsh on their own but because they're given no discretion. But now...in Virginia, the defaults will be that if you take a jury trial for guilt and innocence, the judge will sentence you. So judges will now have total control over sentences and the data, unless you choose a jury. If you have a particularly harsh judge that you know will sentence above the guidelines, you may still want to take a jury, but in most cases, we are going to see a drastic reduction in the extreme sentences that we've now see for decades due to, um, abolishing parole in the 1990, 1990s. This is, this is going to make a huge difference. We are one of the last states to do this. Now every state except Kentucky will allow this type of sentencing. So, um, it took us awhile but we're here now, and it's going to make a huge difference. You will see a lot more juries being tried. Those students who are in the audience who are about to go out in practice, your practice is going to be so different than mine has been for the past twenty-two years. You are going to be trying juries every other day if you are in the criminal law arena because there is not going to be that downside of worrying about jury sentencing. Go forward please.

There was, there was legislation to actually end mandatory minimums across the board in the criminal code. Um, the senate had a version that would have done that. The house had a version that would reduce a number of them but not all of them. Uh, the senate version was going to, um, end 230 different ways that the code requires mandatory minimums. Those bills went to conference because of the differences in the two bills, and unfortunately, they could not come to a compromise, um, so the bill did not go to the Governor. We are hopeful that the Governor will find a way to revive the bill and, and

propose a compromise and get us at least part way towards, um, abolishing the mandatory minimums, which are...one of the largest contributors to the school-to-prison pipeline. Another bill is the federal petty larceny enhancement. So, bottom line, if you've committed two prior petty...petty larcenies, shoplifting for example, and you commit a third it was automatically a felony. The people that are committing these crimes primarily are people dealing with drug addiction and poverty. And we finally have now pulled that back and it is going to continue to just be a misdemeanor no matter how many times you have committed the crime. Huge change. Please go forward.

In the serious offender review process, so we have this, uh, blended sentencing option for kids when they're tried as adults, they can go to juvenile prison until they are 21 and then to an adult prison or have suspended time in the adult prison as a way to keep kids in the juvenile side of the system a little bit longer rather than sending them straight to prison like we were doing in the 90's. One of the impediments to getting this done was that we were seeing prosecutors try to put language in plea agreements that would foreclose the opportunity to have that suspended time, that time suspend on the back end. Um, this, this statute allowed for a review to see how the kids had been doing in juvenile, on the juvenile side and if they have done well, the judge would have the discretion to reduce the rest of the sentence and say okay, I've seen what I expected, your brain has more fully developed, you've grown up, you've gotten rehabilitated, you've gotten an education, I think it's time to let you, uh, give you some rope and, and release you on probation and see how you do. Prosecutors were trying to keep defense attorneys from being able to argue that that should be the case by putting language in plea agreements that essentially required individuals to waive that right to that review or try to, um, close, close in the options for the judge and to say this is a plea agreement, charges were dismissed in exchange for this agreement so you can't change the sentence, even though the statute tells you that you can. And so this was a huge impediment to getting kids, um, out early when they had done what they needed to do to be rehabilitated. This language now has been um codified that says very specifically you cannot use plea agreements to foreclose the option of a serious offender review in early release. So huge difference in my world at least for the work that I do.

We abolished the death penalty in Virginia this year. This is extraordinary. To give you a little context, I moved to Virginia right after college to run, to run a non-profit working against the death penalty. I had been working for Amnesty International in college and I thought, you know, this is my calling. I want to try to, you know, stop the death penalty so I came and beat my head up against a brick wall for a few years here trying to end the death penalty when it was at its peak. We were executing people at a higher rate than every

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state in the country, except Texas. And we had a large death row and a really significant problem here in terms of, um, seeking the death penalty whenever possible. We've obviously gone through a sea change, and when they abolished the death penalty, uh, this year, there were only two people on death row. As part of the legislation, they were, um, commuted to life sentences and are no longer facing execution. This is...we have stepped into the light in my opinion, um, this is, this is something that is used more often than you can imagine as a bargaining chip. When individuals are being, um, interrogated by police officers in cases they're threatened with the death penalty all the time. If you'll just tell me what you did I will make sure you don't get the death penalty. It happens all the time. Um, I'm now doing parole cases for people that were sentenced in the 1990s and it was a frequent tool there to, to keep people from going to trial. We'll make sure you don't go to the chair. Um, it, it's, it's just wrong, it shouldn't be a part of our criminal justice system, and thankfully we have again, stepped into the light.

Alright, so finally, after all of these changes and after all of the, um, data that I shared with you about how bad the problem is, what can we do? These are just some ideas. There are many others. But I think these are things that would make a difference as a start. Um, we need to remember that kids are kids, and treat them like kids. Um, not push them out of our schools. When I was growing up, if you did something wrong at school, you did in-school detention. You, you cleaned the chalk boards, you had to spend 8 hours bored away from your friends, you know uh writing essays. Now we send those cases to court. Now we put those kids in detention and we never even talk about why they got in trouble in the first place. What was the conflict? We should be using restorative justice. We should not have zero tolerance at schools. Yes, our schools need to be safe, we need to make sure that everyone has an opportunity to get an education on both sides. And many times, um, the kids that are being pushed out aren't really disrupting the school-day in the way that you might imagine. They are not bringing uh rocks of crack-cocaine to sell to their kids, their, their, uh, friends, they are having a hard time with something else that is going on in their lives. And they get upset and they push over a desk. Or they run out of the classroom, or they won't give up their cellphone. Whatever it might be. And there are much better solutions to resolving those problems than pushing those kids out of school. Um, we need to stop referring cases to, uh, court as Courtni mentioned. This is something that Virginia does at a higher rate than pretty much anyone, where else in the country. If you get in trouble at all, they let the court know about it. And, if you get in trouble in the community for many kinds of, um, situations they also let the uh school know about it. So there is a lot of sharing information about these kids that over-criminalizes what is typically adolescent, normal behavior. And not at all trauma informed. We need to have a trauma informed

lens, to trying to solve these problems. We need to ha-, use evidence based solutions to try to address them, not just send kids to whatever program happens to be available. But think about what actually fits the issue. We need to make sure mental health counseling is available. We are more likely to find police officers than mental health counselors in almost every instance in schools. And that is just so wrong-headed. What these kids need is mental health intervention. Maybe occasionally there is a need to call a police officer because someone has been seriously hurt or something of that nature. We can still do that. They don't have to be in the building. Uh, there are just other ways to address this. We need to enforce the law equally, uh, without bias, regardless of race. We did actually end the presumption against bail which is a huge reform that I think would make a difference. We had, in the Virginia Code many, uh, charges where there was a presumption that you should be held before trial. That you possibly might be able to overcome, but the presumption was there. And judges took that very seriously. The General Assembly actually ended the presumption against, um, against bail this year. Uh hopefully it will go into effect soon, I think there might be a delayed enactment clause on it. But in any case, we are going to get there. Um, they also tried to address expungement. And one of the things that is, the worst about our system, is most criminal charges are never expunged. For juveniles who are convicted of a misdemeanor, uh, if they have no felonies, and they don't get in trouble again uh, you know, before their 29th birthday, the misdemeanor will be expunged. But felonies are never expunged for juveniles if they're 14 or older. That will follow them for life. And for adults, uh, convicted of misdemeanors and felonies, there's no automatic expungement. So now this year the General Assembly is looking at um, nine different crimes that would be automatically expunged after 10 years of good behavior. Um, it has a delayed enactment clause I think to 2024 and its still being um, they're tweaking it some and maybe it'll get better by the time the Governor looks at it. And then an opportunity for petitioning for expungement for felonies, for certain felonies, not uh, the most serious felonies but many felonies. This is again, a very positive change. Still much work to do to get to where we really need to be, which is never, um, tying voting rights to felonies. You know, in Virginia, if you have a felony you can't vote. Uh, many states don't do that. And it's time that we end that. There are states that even allow people who are incarcerated to vote by absentee mail from the prison. And why, why does voting have anything to do with conviction? This is a carry-over from Jim Crow and other efforts to marginalize people of color. Uh, to, to suppress the vote and it has nothing to do with the accountability for crime and it needs to end. The General Assembly is looking at it. But we need more people to let them know how important this is. Um, I think they are not hearing enough from people about why this is a priority. And of course we need to strive for

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economic equality. There needs to be hiring equality, wage equality, a higher minimum wage, universal health care, incentives for hiring, uh, returning citizens when they come home from prison. Um, providing mental health responses to societal problems not criminal legal system responses to societal problems. We need to address the killing of unarmed citizens. We need to change the focus away from just trying to control costs and having finality, to justice.

So again, these are just a few ideas of the many things that we need to do. But as lawyers I'll tell you, we are in a unique position, so few members of the General Assembly are lawyers. They really don't understand a lot of, um, the impact of criminal justice, uh, legislation, and so they need to hear your voices. Uh, I think in particular, students. You can really make a difference if you reach out to your legislators if you go to the General Assembly and testify. If every time you were in a courtroom, you raise race, you raise disproportionality, you raise the school to prison pipeline, you talk about the societal impact of, um, structural racism, and the things that happened before your client got to court that day, that make a difference in why he is there or she is there. You raise these things constantly so judges can't ignore, um, the fact that there is this disparity in our system, we must address it. It is our responsibility, and it is a privilege to have the education that we have so that we are in a position that we can raise it. So thank you so much. I think my time is almost up so it's been great talking to you all. Thank you Carl.

Wright: Thank you so much Professor McConnell. That was an incredibly informative and impactful presentation on racial disparities in the juvenile justice system and especially for our students and for attorneys and advocates how we can, uh, change those things going forward so just wanted to express our gratitude to you for, uh, your time and your effort with presenting today and also the work that you do at the law school and, um, in the juvenile justice system as a whole. Um, thank you, Professor McConnell. That being said, um, we are going to take a break now before our keynote speaker, uh, who is Miss Valerie Slater at 10:10, so if you all could, um, just be back by that time that would be great and we'll see you then. Thank you!

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KEYNOTE SPEAKER: THE PUBLIC HEALTH CRISIS OF
JUVENILE JUSTICE SYSTEM INVOLVEMENT

Valerie Slater

INTRODUCTION

Falahatpour: Good morning everyone welcome back, it's so great to have all of you here. We wish this could be said in person but we want to express our gratitude to each and every one of you for joining us virtually today. My name is Sogand Falahatpour and this is Carly Wright and we are the Symposium Editors for PILR.

Wright: Carl, uh, touched on this earlier but we just wanted to reiterate and make a quick note about the CLE credits. Uh, so we will not be using a poll, uh, like other Symposiums have done in the past, we will receive an attend-, and attendance report at the end of today's event and following that you will receive an email from somebody at the law school with a form that you can fill out so that you can get your proper CLE credits. Um, and as for CLE materials, um, there is a link I believe in the Q & A function of the Zoom meeting so that you can see what we have posted so far, but if there are missing, uh, PowerPoints or visual aids that are used today, we will make sure that those are uploaded, um, this afternoon after the event is over so you can access those as well. Um, and now that we have those housekeeping matters out of the way, uh, I'll hand the mic over to Sogand and she will be introducing our keynote speaker.

Falahatpour: We're going to give them education. We're going to give them the experience, and then we're anticipating that they're going to be able to live fulfilled and passionate lives making social change. These words were spoken by our keynote speaker Miss Valerie Slater who I have the distinct privilege of introducing. Miss Slater has dedicated her life's work to advocacy to preserve and protect our most valuable resource: our youth. Ms. Slater is the executive director of RISE for Youth, a non-partisan coalition here in Richmond, Virginia. Since its inception in 2014, Miss Slater has lead RISE in their commitment to dismantling the youth prison model, by promoting community-based alternatives to youth incarceration. Previously, Ms. Slater was a juvenile justice attorney with the Legal Aid Justice Center, and she coordinated RISE efforts while it was housed in the Just Children program of the Legal Aid Justice Center. Ms. Slater has also worked tirelessly to protect the rights of children with disabilities in the community, residential, and juvenile justice facilities throughout the Commonwealth at the disAbility Law Center of Virginia. Ms. Slater earned her Juris Doctor from the University of Richmond School of Law and her Bachelor of Arts from Colorado State University. I could go on and on, but it is clear that Ms. Slater brings an unwavering commitment to strengthening youth and communities to lead the efforts to realize their visions for change. Today Ms. Slater will discuss how youth involvement in the justice system in Virginia is overwhelmingly

a racial justice issue that has resulted in a public health crisis. Please join me in welcoming our keynote speaker, Ms. Valerie Slater.

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Slater: Sogand, thank you so very much. I am honored to be here with you all today albeit virtually, and so, good morning. And I'm so excited to have this opportunity to speak on a topic that is literally my life's work. Because my life is dedicated, like you shared, to young people, and ensuring that every environment that touches their lives, it enhances rather than hurts. And it builds rather than tears down. And promotes a healthy, productive, and fulfilling transition into adult life. And as I was contemplating exactly what it was that I was going to share this morning, um, I wanted to be sure, it had to be something that was more than just rehearsing the things we already know about juvenile justice. And it couldn't just be a recitation of the facts and the data, because we already know that disparities exist within juvenile justice in Virginia. So I purposed in my heart that I was going to share something that would provoke each of us to look beyond our status quo. And that we would begin to even challenge our existing frameworks for justice. And begin to view those that we help as more than just clients and the communities as more than opportunity zones. And that we would begin to see youth as children in need of our love and of our support. And that we would also begin to look at every system that currently serves youth, and say that we demand more. And that the only acceptable matrix for success will be the success of every child from every community. Now don't misunderstand me, I'm not attempting to say that folks don't already care. We care, right? But what I'm attempting to say, is that if you don't mind, can you come with me on this journey? And consider for the next forty minutes or so the supposition that involvement in the juvenile justice system is indeed a public health crisis.

We know that the justice system involvement is overwhelmingly a racial justice issue, you know, uh, Professor McConnell just beautifully, beautifully and eloquently outlined what we already know and what we're already seeing: the disparities. But it's also a public health crisis. It's directly related to the health of individual children, and the environments that impact his or her life, and that's evidenced by more than 90% of all committed youth presenting with significant symptoms of ADHD or conduct disorder or oppositional defiance disorder or substance use disorder. We'll talk about more, uh, we'll talk more on that later. But before we're able to actually declare that a crisis exists, we've got to first recognize our standard of measure. And then we're going to apply that measure to all of the relevant factors. And then we're going to align our findings with juvenile justice system involvement. And

then we'll be able to make a determination as to whether there is just a correlation or whether there is indeed a causal relationship. So let's get started.

In our country, we've embraced a framework called the social determinants of health. Now these determinants are conditions and environments where people are born, where they live and learn, and work and play. And these conditions have a direct effect on a wide range of health, uh, economic, uh, economic stability, and, uh, even risk-taking behaviors in those outcomes. So we're going to focus on a five, uh, the framework that houses five determinants, and those are education, economic stability, health and healthcare, neighborhood physical environment, and community social context. And when you are experiencing deprivation or negative impacts or influence in just one of these areas, it's cause for concern. But I'm proposing that most of the youth involved in the juvenile justice system are experiencing failure in most if not all five of these areas. Vital to healthy growth, development, and successful transition into productive adult life.

So our analysis is going to be one of the localities with the highest commitment rates in Virginia. In Virginia, the number one committer of children to the Department of Juvenile Justice is Norfolk. Number two is Richmond, and number three is Hampton. We're going to focus on Richmond. We're here in Richmond, and I think that it's only appropriate, but I think you also should also note I want to also note that all three of those jurisdictions, and in fact, the top ten, uh, jurisdictions that commit children to the Department of Juvenile Justice, they have similar findings. So let's jump in.

Let's start with education. And when we talk about education, the first thing that should come to mind is the quality of that education, the quality of those providing that education. And so the first thing that we're going to look at is staff, teachers. And during the 2018 and 19 school year, Richmond Public Schools had an inexperienced teacher rank of 16.4% in all schools and 16.9% in their high-poverty schools. 18% inexperienced teacher rate for their Title I schools. That's more than double the rate in the state, and more than triple the percentage in Virginia's low-poverty schools. Let's talk about inexperienced teachers. That means that these are teachers who are fresh out of school. Huge on passion, low on experience. And the reason that there is such a high rate of inexperienced teachers in Richmond, teachers in Richmond Public Schools is because once those teachers get their feet wet, once they get that experience under their belt, they're transitioning then into more affluent neighborhoods and more affluent school divisions, leaving Richmond Public School students to constantly have a, a, an overturn of their educators. And in that same year, Richmond Public Schools had a combined out-of-field, out-of-field meaning teachers who teaching subjects in which they have not yet been trained, out-of-field and inexperienced teachers combined, the

percentage was 2.7% for all schools and 2.6% in high-poverty schools. Now while that number may sound low, it's more than four times the state rate, which was .6%. And it's more than six times the rate of low-poverty schools, which was .4%. And so we need to recognize what that is really telling us. It's telling us that the quality of education, I am in no way disparaging Richmond Public Schools or their teachers, but when we have teachers that are new and out of school, they don't bring the breadth of experience. And when they are teaching subjects that are out of their field, then they're struggling themselves. And I'm, I'm advocating for support for Richmond Public Schools and for their teachers. But we are seeing a disparity that is diminishing the quality of the education that is being provided particularly to these students in that school division. And again remember we're talking about these social determinants of health. These things that are going to combine to tell us whether or not we have an issue. Whether or not there is a crisis that is leading to children ending up in the juvenile justice system.

So I also want to note that Richmond Public Schools has a student body in the 2018-19 year that was 66% Black and 13.4% white. So now let's talk about the graduation rate. For RPS all students the graduation rate was 76.1%. For Black students it was 80.8%. Sounds really great. However, less than 1% of students are enrolled in IB courses, and less than one-half of a percent of Richmond Public Schools seniors were enrolled in an IB program. So in 2018-19, the graduates only received three of the total 2,231 statewide industry certifications, and made up less than 1% of the statewide number of students who earned a credential of or graduated having taken the workplace readiness assessment. And so I'm excited that students are graduating, but we need to be concerned about the quality of education that they're graduating with. And so, again, I want you to always be thinking back to, "Are we supporting, uh, children in such a way that justice system involvement is not a de facto?"

And now, let's talk about school environment. School is the place where students should feel safe. They should be engaged in not just the academic but also social and emotional learning. And school counselors play an incredibly important role in ensuring that students are able to engage in learning while also dealing with the other factors that are impacting their lives. And they also help children steer clear of trouble. But in Virginia the number of school counselors has decreased by 527 positions, while caseloads have continued to grow. And the number of students per school counselor has increased from 300 in the 2007 and 2008 school year to 361 in the 2017-18 school year. And that's well above the Virginia Board of Education and the nationally recommended staffing requirement of one counselor for every 250 students. And there is a direct correlation between lower student-to-counselor ratios and

lower suspension rates. And studies have shown this to be especially true in high-poverty schools. Let me also note for you that 100% of students in RPS were eligible for free and reduced lunch in the 2018-19 school year. So in spite of making up 66% of the student population, black students in the 2018-19 school year received 90.7% of short term suspensions. 90.7%. They received 92.9% of long-term suspensions and 100% of expulsions. I'll share my presentation with you all and it will, in, in, in the link when I'm done and it will have for you all of the links to all of the data that I'm sharing with you today. 100% of expulsions. So again, considering is education provided-, is the education provided to young people in Richmond Public Schools, are the young people being prepared for the future or are they being pushed into the school to prison pipeline and into juvenile justice system involvement? But we can't leave out adult education. In Richmond city, 81.2% of adults age 25 and over completed high school. But that's compared to the overall Virginia rate of 87.4% in 2012. And the percent of adults without a high school diploma, or an equivalent, it's highest in the East End of, of Richmond at 48.8% and then North side with a 46.3% and then Broadrock Industrial Park with 42.9%. It's no secret that education has a direct correlation to employability and higher income levels, and we are seeing that the education system is not providing the absolute best, but it, I, uh, again not blaming the school. I'm saying that we have got to do something about the quality of education that we're providing for students and that we increase the graduation rate, but that those increase graduation rates are not just simply with a piece of paper. It's with a piece of paper that's truly preparing students for the future.

So let's move on to economic stability. The poverty rate in Richmond City, in Richmond City is significantly higher than in the Commonwealth overall. And the rate of extreme poverty—that's incomes that are below 50% of the poverty level—is two to three times higher in Richmond city as compared to the state. It's 14.1% in Richmond city and the State is 5.2%. And it's more than four...one in four Richmond city residents live in poverty compared to more than one in 10 in the State. And while the poverty level ...the federal poverty level guidelines they raised to 26,000 for families of four in 2020, the actual result in Richmond city was only widened the income gap disparity. And experiencing poverty during childhood influences a child's cognitive, their emotional, their behavioral, and physical development. Childhood poverty also decrease is a child's likelihood of high school graduation. So if we know that families are living in poverty let's take a look at where income is, is coming from. And here I'm going to use anecdotal data simply because there's no way I am going to expose, uh, uh, particular families or family members in a light that would somehow be potentially troubling for them. So some families, they end up homeless, and further traumatized and disenfranchised. But some families do indeed find alternative means and methods to

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meet their needs. Single mothers receiving state benefits are living in public housing, are under strict guidelines about who is able to be in their home, how much income they are able to make, and if, uh, if they go over those limits then they're going to interrupt the delicate balance of sustaining their households. And sometimes a significant other is going to help out to meet needs. And sometimes families resort to work for cash and hope that employers will pay. And sometimes there are other enterprises. But when this ability of a family's wellbeing is on the line parents are often forced to take drastic steps, whatever steps are necessary, by any means necessary. And sometimes that includes criminalized enterprise. There are times when children are elevated to breadwinners, or at least contributors to the family's financial wellbeing. And children should be able to enjoy childhood without entering the stress of helping to ensure the stability of their family. When the choices they make to fulfill their new obligations are poor ones, it's an indicator of our failures and our systems' failures for those children and for those families. Sometimes when a child is deprived for so long, with no end in sight, children will act out. And those ways that they act out maybe to take those things that they want, and take those things that they need. But when we look at a small child... let's all remember back to being two years old or having a younger sibling. And when that younger sibling wanted something they would come up and they would just take it. And they might even whack you for good measure. But see, we didn't criminalize that child. What we did was we taught that child a better way. And we rewarded good behavior. But what about the child that never gets that need met or never has a joyful experience of just having something that they want. It's no accident that crimes of theft are the top crimes for youth committed to the Department of Juvenile Justice. Burglary, robbery, and larceny, in that order. Combining those three make up the majority of both the determinant, the indeterminant, and the overall percentage of children who are incarcerated in the deepest end of the justice system. At no point am I saying it's OK to commit crime or to engage in criminogenic behavior. But I have asked, asking us all to examine the totality of the circumstances before us here today.

So we've got to be able to promote solutions that lead to healthy and productive and fulfilling transition into adult life for all youth. And there's no question that living with economic instability and being a product of an education that may just reach over the "graseraction" hump without providing for a full and robust experience that prepares you for the next step that that can cause significant stress for youth.

So now let's talk about healthcare. As we know and as document...as documented in a comprehensive report by VCU Center on society and health in 2016, in Richmond, health disparities exist by sex, race and ethnicity, and

social economic status. These factors are so deeply interconnected and it's difficult to identify which is singularly the cause or the combination of the cause of the disparities. But while African Americans experience worse health than whites because of relative disadvantages and income in education, even African Americans with similarly uh better uh categories of income and education, they still experience poorer health outcomes than whites, albeit less marked. Minorities tend to have less health insurance coverage, higher cost barriers to access healthcare, and worse self-rated general health overall. The health of a population is strongly correlated to the demographic... demographic factors such as race and ethnic composition and the socioeconomic conditions in which people live. And poverty is directly associated with many of the factors that increase health risks, to include, uh, material hardship, acute and chronic stress, overburdened or disrupted social...social supports, and toxic environmental exposures, and unhealthy behaviors. And National Statistics indicate that adults age 25 and older who lack a high school education, or its equivalent, are three times more likely than those with a college education to die before age 65. And so we're right back to education. They are all intertwined and interconnected. And unless we are able to provide the absolute best for every community, we'll continue to see disparities. And according to the 2020 County health ranks by the Robert Wood Johnson Foundation, cities in the Richmond Metropolitan area ranked poorly compared to other Virginia counties and cities, and Richmond ranked 100 out of 133 for health outcomes, and 122nd out of 133 for factors. Now we're examining those factors right now. Richmond city ranked 122nd. So again, what I'm asking you to suppose with me today is that juvenile justice system involvement for young people is a public health crisis.

But there's another kind of health right? There's mental health. And we've already talked just a little bit about the...the stress and the toxic stress levels that children are experiencing. But mental health is still stigmatized in black communities. And even though high levels of toxic stress are byproducts of living in safe and unsafe environment and financial insecurity and perhaps unstable or insecure housing and food insecurity, the stigma remains. And youth and adults are encouraged to suffer in silence in order to appear strong. And another major factor of mental health is the concern that children and adults living in Richmond city are exposed to higher levels of trauma in their community. Children are experiencing trauma due to crime and violence in their neighborhoods and domestic violence and child maltreatment. And these traumas are going unaddressed and they increase the risk of problems in school, poor health, poor mental health, and behavioral problems. Exposure to violence and adverse experiences can have cumulative effects on children, which then affect their health, their development, and functioning in later life. The majority of children committed to the Department of Juvenile

Justice, 70% were prescribed psychotropic medications at some point in their lives. And 32% had current or newly prescribed psychotropic medications at the time of their admission. And then 73% of youth appeared to have significant symptoms of a mental health disorder the time that they were committed. And 94.9% of all committed youth appeared to have significant symptoms of ADHD, CD, ODD, or substance use disorder. And so does mental health have an impact? Does a child's community and environment have an impact? Those are the questions that I'm asking you ... to consider today as you're hearing these statistics, as you are hearing these realities of the children who are currently in the Department of Juvenile Justice's care. These are 2020 numbers. The 2020, uh, Data Resource Guide has been released. And these are the statistics of the children who are currently in DJJ's care.

Now let's talk about neighborhood and physical environment. Housing quality. Half or fewer housing units are owner occupied in Richmond City, and overcrowding predominately affects city residents as well. And overcrowding is defined as having more than one occupant to a room. And although most housing units have complete kitchens and plumbing facilities, they are more likely to be in ... inadequate in city housing. And I would also like to make reference to amazing work done by partners at LAJC's in their housing program to address inadequate provision of heat during the winter and air conditioning in the summer and other problems in public housing as further evidence of the issues faced by families in Richmond City.

And then when we look at the neighborhoods, Richmond crime rates are 59% higher than the national average and violent crimes are 22% higher than the national average. In Richmond, you have a one in 26 chance of becoming a victim of a crime. So, the neighborhood environment again. I ... I ... I know I keep repeating it, but I want you to not just absorb this information but apply it to the initial supposition. That juvenile justice system involvement is indeed a public health crisis. That we have allowed situations and ... and circumstances to exist that all culminate in children being involved in juvenile justice rather than being supported.

So now let's look at the community and social context. There are many ways that a neighborhood's condition shapes health. Insufficient institutional resources and built environments can make it difficult to see a health provider and find places to exercise or to feel safe enough to explore alternatives. Environmental toxins and unhealthy housing conditions also increase the risk of illness. And discrimination. Richmond families experience discrimination when looking for housing outside of the city and employment when employers realize the area of Richmond City residents are from. Upward economic mobility and better living environments can seem unattainable, further adding to stress and trauma and anxiety.

And since we're talking about stress, food deserts are areas where especially poor food access exists. And they're low-income areas and with reduced access due to distance from near supermarkets and poor vehicle access. And in a majority of the 56 census tracts in Richmond City qualified as food deserts in 2010 cen ... in the 2010 census. Did you hear that? 56 census tracts. ... and the majority of them in Richmond City qualified as food deserts in the twenty two- ... 2010 census. And now we've experienced a pandemic, right? So ... the likelihood of those numbers going down are ... are ... are slim, right? Instead, unfortunately, they've increased.

And further, fear of crime and exposure to violence creates unhealthy levels of chronic stress in communities, in families, in neighborhoods, in children. Stressed children go to school in fight or flight mode. And so they are already experiencing all of the stressors from their home life, from their community life, from their lacks, and from their deprivations. And then they get to school, and they're criminalized, and they're pushed out, or they're pushed directly into justice system involvement. So I'm asking again—are we facing a public health crises in juvenile justice?

So ... deprivation in the justice system involvement. Let's talk about the communities with the greatest justice system involvement. See, the communities that are experienced the highest level ... of involvement with juvenile justice, they have the same five underlying factors: high incidence of poverty; economic insecurity, or the lack of economic upward mobility; housing instability or, perhaps, substandard housing; and they are communities of color; ...and the education systems are not as robust as they should be providing and ... an opportunity for young people to receive their diplomas and move on to either higher education or directly into the workforce. ... So while Black youth aged 15 to 17 make up 21 percent of Virginia's population, they account for 57 percent of young people suspended in Virginia ... and over 90 percent, ugh, of the suspended youth in Richmond Public Schools. They make up 49 percent of youth in Virginia reported to juvenile courts by school authorities ... and 40 percent of youth reported to intake officers ... and 54 percent of youth detained in local jails and 67 percent of youth sent to the custody of DJJ. ... And the current reconviction rate at three years ... is 74.7 percent. Did you hear that? Recidivism. The three-year recidivism rate for reconviction, not rearrest—reconviction—is 74.7 percent. ... And so when you look at a 15 to a 17 year old, in three years, they're adults. And so I further suppose that we aren't just looking at the school to prison pipeline and the health, uh, crises of juvenile justice system involvement, but we are ... we have literally created a pipeline to the adult carceral system. Because, see, those juvenile records, they follow, eh. We all recognize that; we all know that. Or, or maybe you don't know that a juvenile's record, there, there

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comes a time when it can potentially be, ah, expunged. But if they're re-, reconvicted in three years, that juvenile record is still coming to play on what's happening in this child's life. And depending on what the conviction was, what the adjudication was at ... as a juvenile, it may constantly ... it may never go away. ...But with a recidivism rate of 74.7 percent at the three-year mark, we have a justice system that is not rehabilitating children. It's punitive in nature, and it's time to change. ...It's not by coincidence that every Virginia locality in the top 10 for rates of sending youth into the custody of the Department of Juvenile Justice has a po... a child poverty rate above the state average and a higher than average number of Black teens as well. Well, Norfolk is number one, Richmond number two, and Hampton number three. As I've already shared, all have high poverty rates, high incidence of in... inexperienced teachers and overrepresentation of Black youth in disciplinary actions in school. Public housing that is documented at failing to meet appropriate standards of, ah, providing a healthy living environment, and communities with high incidence of crime and fewer places for recreation for youth, high stress levels, and poor access to healthcare. Those are all of the factors that continue to be reoccurring in the top 10 and other areas where children find themselves ... committed to the state ... in... in... in the Department of Juvenile Justice. So what does all of this data tell us? I am again going to propose to you that incarceration of youth in Virginia, that involvement in the juvenile justice system, it's a public health crises and that it continues to disproportionately impact Black youth, other youth of color, and youth with disabilities.

...So now I've laid out this problem, and I hope that you are considering and... and... and drawing your own conclusions. But what I would also like to do is provide some solutions. We need to recognize that racism is a public health crisis that manifests in many ways, including involvement in the justice system. We need to transfer the Department of Juvenile Justice to the Public Health and Human Resources Secretariat. Because if we create this paradigm shift of where we house our department, we can create a paradigm shift in the way we begin to think about our children. If we recognize that it is a health crises, then it is the public health secretariat that would be most well-suited to then, um, address the issues from all of the factors that we have outlined here today. ...I would also suggest that we adopt the healthy community secure care model for small, secure out of home placements. I would love to see eventually, that we get to the place where we are no longer incarcerating children, but that we are always using alternatives to incarceration. But until we get there, we've got to make sure that the smallest facility possible, central to the communities where young people are coming from, is where we would then place our young people, rather than sending them to large, remote facilities with a model that has still continued to have an

upwards of 70 percent recidivism rate for both rearrests and reconvictions. It's not working. It's time to do something different.

We've also got to end the use of the Valid Court Order Exception to incarcerate youth for non-criminal behavior. We attempted to remove this...we attempted to end the use of the Valid Court Order Exception this past legislative session, but it, uh, it failed in the House Judiciary. But consider this, why is it that we are so quick and willing to demystify jail for children? Why is it that that judges in Virginia were quick to say we need this as a last resort to teach children a lesson? That's not the lesson that I want our children learning. I don't want children thinking, "oh, I'd better be good, otherwise I'm going to get locked up. I'd better not run away from home, I'd better not miss curfew, I'd better do my homework, I'd better behave in class or I'm going to get locked up." That's not an appropriate message. I heard Professor McConnell share that she can remember in-school suspension. I can also remember getting in trouble at home... that I did not want the school calling my mom and telling her that I did this or that... and so why is it that we have gone so far to the extreme that incarcerating a child has become an acceptable method of, of, of training a child in appropriate behaviors?

We're going to be fighting the fight once again in the 2022 session to end the use of the Valid Court Order Exception and I am hoping that you'll be willing to join that fight. We've also got to stop the state funding of school resource officer programs... or let's get creative. Let's, let's instead expand the definition of school resource officer to include others who would come into the school to provide supports. We've got to create funding opportunities for credible messenger programs in school and that is going to be a fight because we first got to remove some of the barriers to allowing credible messengers back into school. Credible messengers are individuals who have ... been a part of the community, who have made mistakes, they have paid their debt to society and now they are home, and they are looking for ways to help, and to build some of the very spaces that they had previously been a part of tearing down. And there are amazing, credible messenger programs that are already happening outside of school buildings. But when we start saying that a police officer is the only way that we are going to be able to support children in school, we have gone incredibly wr...we're wrong. Police officers are not the only way. As a matter of fact, if we were to allow some of the individuals that students respect highly, those credible messengers, if they were the ones coming in to support young people and to encourage them to even open up and speak to counselors and to... and to other support staff, if they were the ones in a classroom to be able to pull a young child aside and say, "hey, you know, what's going on with you?" And if they were able to help de-escalate a situation, walk around the building with a child and then bring a child back

who is ready to engage in the learning environment... That is always going to be a preferred outcome rather than a police officer who is going to slam a child to the ground for having a lighter. And then that child being on, uh, probation, and having to go to Bon Air. So I encourage us to fight for a paradigm shift change that we don't just look at the small things that we can do while we still accept because you eat an elephant one bite at a time, but we have got to be willing to go far beyond the status quo. Again, we have got to dismantle even our own frameworks and be willing and dare to dream big and, and to say that we are able to impact and bring about monumental change. We have made some incredible changes and we have moved in some great directions like the removal of the disorderly conduct. Uh... It's no longer a charge that you can charge a ch... a student with in school. But what's unfortunate is, is now there are other charges. Uh... Disruptive action uh... dis... disruptive demonstration is one of them and ...uh... insubordination, you know, walking away or talking back. When you look at the 2018-2019 data, it demonstrates that while that disorderly conduct has gone down to zero, now there are two other ways in which that same uh... behavior is being captured and criminalized or children are being severely penalized and put out of school. And so we've got to come up with ways to support students in school, and we have got to bring in support staff that is able to fill needs and fill gaps rather than pushing children out. Again, a public health crises, but we have the power to make change that is going to address... when we transition the Department of Juvenile Justice to the Department of Health, and we began to attack all of the roots rather than the symptoms, then we will begin to see true and meaningful change in juvenile justice in Virginia.

We've got to equally distribute education funding throughout the Commonwealth and build strong infrastructure in communities that are experiencing the greatest deprivations, and we've got to reduce the use of incarceration and increase the use of alternatives. Black youth and other youth of color and youth with disabilities are engaged with the juvenile justice system at... in... significantly higher rates and it's stemming from the many inequalities that they experience in each of the social determinants of health. These are young folks who often live in... substandard housing, with parents who are underemployed, and often the food that they regularly have access to, it's not the healthiest. And the schools in their neighborhoods are not providing the quality of education being provided in predominantly white and more affluent school divisions. The school, school buildings themselves are sometimes dilapidated, and mold is a huge problem in some areas and what do you even say to that? Right? How is it that we will allow children to go to school sometimes in buildings that are fal... literally falling apart? Young people are living in the middle of a public health crises, that's what I say. And it's shameful that we have allowed these conditions to exist. It's children who come from

certain zip code that fill our youth detention centers and our one remaining youth prison. When children are in trouble, we've got to get to the root of the issue and address it from there. We must not focus on the symptoms of a problem. The symptoms are youth causing harm. But the root is youth living in constant state of crises... a public health crisis. So transitioning the Department of Juvenile Justice into the Department of Health is a necessary first step in recognizing that youth committing harm is a public health crises and ensuring that we address it as such. I don't condone youth causing harm to others. Please know this. And this even includes the youth who continue to go without. It's still not OK. But it is time to do something about the public health crises that we have allowed so many young children to endure for so long. It's time to send the message through our thoughtful and meaningful action to children, to families and to communities that they and their futures matter and that we are coming alongside, and that together, we will address the issues that stand between our youth and the full realization of their hopes and dreams. It's time for a paradigm shift in Virginia. It's time to realize that a healthy, thriving community, it is... it is the greatest deterrent to justice system involvement. Thank you all.

Falahatpour: Wow, thank you so much, Ms. Slater. I think I speak for all of us when I say we appreciate your dedication and continued efforts toward education and health equity for our most vulnerable youth. That presentation was incredibly informative and eye opening, of the implications of youth involvement in the ju... juvenile justice system and the importance of treating the problem at its roots. There is no denying that the juvenile justice involvement is an urgent public health crisis. And after your presentation, it is more than clear that the impact of a child's community, combined with other various disadvantages relating to demographics like income and education, are directly related to poor health outcomes and economic outcomes. So, again, thank you so, so much for speaking today and for the time and effort you have put into today, and most importantly, your continued efforts for the Ri... Richmond community and Virginia as a whole. We are now going to take another short break and we will reconvene at 11:10 for our first panel.

PANEL: EDUCATION OR INCARCERATION: TEACHING
TOLERANCE

*Kevin Woodson, Allison Gilbreath, Valerie L'Herrou, Cassie Powell,
Doron Samuel-Siegel*

INTRODUCTION

Galina: Alright, well, it looks like we're at 11:10 a.m., so we're about to get started. Uh, thank you everybody who's joined us for the afternoon portion of the event. Um... we're so excited to have you all here. My name is Sam Galina and I'm a 3L at the University of Richmond School of Law. I'm delighted to say that I will be staying here in the Richmond community and I will be clerking upon graduation. I'm also the General Assembly editor for the Public Interest Law Review, and we're about to publish our General Assembly issue so I hope that you all have the opportunity to read that. And today I have the honor of introducing our very first panel entitled "Education or Incarceration: Teaching Tolerance." This panel will be featuring: Kevin Woodson, a professor here at the University of Richmond School of Law; Alison Gilbreath, who's the policy and programs director at Voices for Virginia ...s... Children here in Richmond, Virginia; Valerie L'Herrou, a staff attorney for the Child and Family Welfare at the Virginia Poverty Law Center; and Cassie Powell, at... the Legal Aid Justice Center's Just Children program. This panel will be moderated by Richmond's very own restorative justice and legal writing professor, Professor Doron Samuel-Siegel. This panel is going to be exploring zero tolerance policies and disparities in punishment among students and suggestive alternatives for disciplinary measures. The individuals participating in the panel are going to discuss the contributing factors to suspension and arrest in schools, as well as the potential solutions moving forward. These panelists will also describe their programs' successes and their difficulties and what types of students and families are best suited for their type of programs, and how clients can take advantage of their resources. Now, please welcome me... Please join me in welcoming our esteemed panelists.

PANEL ON EDUCATION OR INCARCERATION

Samuel-Siegel: Thank you so much, Sam, for the introduction and I want to thank, uh, PILR and BLSA for sponsoring the symposium today. Um, and, and to the PILR folks, uh, Carly and Sogand, who have been, um, working with us directly, I just really want to, uh, compliment the exceptional degree of professionalism, um, that has gone on to making this event possible and the passion and heart, uh, that you bring to your work as well. I feel really honored to be here and to be moderating, uh, this panel of, um, such exceptional, um, practitioners and leaders, uh, uh, in this arena and all the more so to be following a morning that was so informative and, and inspirational as well. Um, like Professor McConnell and Ms. Slater's presentations. So with that, I'd like to get us started. We as a panel are, um, going to do our best to

make this a conversation among us, and also would be happy to try to answer your questions so please feel free to use the Q&A, uh, feature and I'll do my best to, to keep an eye on those questions as we go. Uh, and we as a panel decided that we'll try to be as organic as we can –which I think is challenging on Zoom– but one of the strategies we're planning to use is to, uh, at key moments try to just mindfully pause and take a breath before the next person speaks, that way if somebody wants to jump in, and I want to remind the panelists that you should please feel free to unmute yourselves and jump in if you would like to, um, elaborate on, on a question, even if I haven't directed it to you. So with that, let's begin by situating ourselves and our discussion. I'd like to ask each of the panelists, um, and perhaps we can start with Allison, could each of you please share your definition or conceptual framework for thinking about the problem that's often referred to as the school-to-prison pipeline? And, uh, second, could you please share just a bit in general terms about your professional role or focal point in this arena? Allison, would you mind getting us started?

Gilbreath: Absolutely, thank you. And thanks for having me and thank you for everyone who is listening in today and wants to deepen their knowledge of this issue. I'll start with who I am, the space I work in, and then how I define the school-to-prison pipeline. So as, uh, mentioned earlier I am the Policy and Programs Director at Voices for Virginia's Children. We are a multi-issue child advocacy organization. We're statewide in scope, but we are located here in Richmond, Virginia. They're U of R students watching this, we do usually take some summer interns if you're interested in something like that. Um, we really drill down on child well-being and what, uh, we can, what lever-, what legislative levers, uh, what budgetary levers can we put into place to help improve the lives of children and families. Especially the most vulnerable, we really focus on low-income children, children who are experiencing adverse childhood experiences. And that brings me to why the school-to-prison pipeline is so critically important as we frame that conversation around child well-being. Because the school-to-prison pipeline is often an after effect of all the other things. My area of focus that I tend to, to work in is child welfare, but as the Policy Director I dabble a little bit in many different genres and areas. I really see the school-to-prison pipeline as, if we were to think of...uh, systemic issues and really get down into the roots of why they occur it's one of the most pervasive systems that racism has led to today. It really stems, um, we can go all the way back to slavery and how, uh, folks were persecuted –folks of color were persecuted in that time– and then we see it stem all the way today to our children who are, um, disproportionately, children disproportionately of color, um, are often removed from their schools directly to prison as a way, as a means of continuing our racist society. So that's, I'm going to stop there because I could probably go on for

another 15 minutes but I [want to] let another, uh, panelist share.

Samuel-Siegel: Thanks so much Allison. How about if we proceed with Cassie next, and then perhaps Kevin you could follow Cassie, and Valerie you could finish us up on this first question? Thanks.

Powell: Thank you so much, um, Professor Samuel-Siegel, it's an honor to be here with all of, uh, these, these fellow panelists and speakers, um, who inspire me so much and who I've learned from so much over the years. Um, so I work at the Legal Aid Justice Center, which is a civil legal aid and advocacy organization that works with communities, um, on a variety of different issues related to social justice, economic justice, and racial justice. Um, and we use a variety of tools in our work, um, from litigation to community organizing. And so my (inaudible) ...JC focus on education law and, um, within education law I work on sort of three broad buckets. Um, and so I advocate for equitable and fair funding for Virginia public schools, um, that's a, a big focus is school funding. Um, the next big bucket is special education, and so advocacy, um, uh, on behalf of individuals and also, um, across the state uh, and, and statewide advocacy around special education. Um, and then the third big bucket is, is exactly what this symposium is, is addressing, umm, addressing, which is the school-to-prison pipeline. Um, and so from the way that I sort of think about and define the school-to-prison pipeline is, um, it's the push out of kids, uh, from school, what we sort typically think of as, as sort of a typical school, um, into a variety of things that isn't that. So that can be a juvenile detention center, an alternative placement, a homebound placement, court involvement generally. Um, and what we know about the, uh, school-to-prison pipeline and what we know about school push out is that, as so many of the speakers have already said, it disproportionately effects black and brown children, children who identify as LGBTQ, and also children with disabilities the most. And we have to view this problem through that lens if we're really going to understand it.

Woodson: Hello everyone. Uh, so I haven't worked in this area, uh, specifically, but I've taught about these issues a number of times over the years in some of my seminars on education law and education inequality. And I've written quite a bit about some of the core contributing factors and some of the consequences of this problem. Uh, so with that being said, I actually think of the school-to-prison pipeline as being two different sets of problems. So there's a narrow specific pipeline problem, and then there is some broader societal issues that also, in my opinion, are just as important. And so, the narrow problems are the punitive, exclusionary discipline practices and policies that schools have in place, uh, that disrupt children's educational careers and increase the chances that they'll one day end up in prison. And so that's the, where we get the name of this, this term. Uh, and of course as has been

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mentioned, this disproportionately affects poor students, students of color, and also students with disabilities. And that's in part because of bias, undoubtedly, uh, but also because, uh, they are more likely to attend schools that have these policies in place in the first place. Which itself, in some instances is a result of bias. Uh, and, and this also involves the use of school resource officers, and, uh, the criminal justice system to address disciplinary issues which are traditionally within the...uh, would have been handled by, uh, school administrators either through suspensions, detentions or even warnings. So that's the, the kind of the core of this problem, but I think it's also important to contextualize it in the broader, societal systems that reinforce educational inequality generation after generation. And so I've written and focused more on that part of the problem. I think that the centuries of racism and discrimination and inequality, uh, leave many disadvantaged children undereducated and over incarcerated. In part because of what happens to them outside of school, and before they reach school. And the failure of schools to address these disparities in a responsible and effective manner. So I could go on and on about that, but I will not, for now.

L'Herrou: I totally get that Kevin. Um, these are things we can talk about all day. So, um, I work for the Virginia Poverty Law Center. We're a statewide nonprofit that is focused on breaking down system-, systemic barriers for low-income Virginians. Um, we mostly work in the legislative advocacy space but also do some litigation and, uh, are also the state educational organization for legal aids, uh, across Virginia. And, uh, we work on a lot of different topic areas, but my work focuses on...I, I'm actually within, uh, the center for family advocacy at Virginia Poverty Law Center so my work focuses on families. And, um, I, I view families as a system that is part of our communities. And so, I view my work as being important to strengthening our families and strengthening communities against systems that have worked to really break both of those things down. And those include, um, the structural racism, um, that has already been discussed and alluded to here, um, but also the, the poverty that, you know, it's, it's actually very expensive to be poor, and, um...both monetarily and in other resources. And so that really just, uh, impacts children and families and their ability to be integral generally. As far as my, the way I, um, think about the school-to-prison pipeline, um, for me I, I view it as a system in which rather than viewing equality as an understanding that we must support each child to get from where she is to the point of realizing her potential, we instead treat equality sort of like, uh, in a way like a level line, that's like a clothes line. So that if children are running along, if they don't either fit that clothes line, or know enough to duck, they're just going to get knocked back. And that's the system we've created. Where equality is just this sort of stop line, and rather than saying, you know, what do we, what do we need to help this child, we just say, "Here,

go here, and if you don't fit, or you don't know how to duck, you know, too bad for you." Um, so I'll stop there.

Samuel-Siegel: Thank you so much to all of you. And just a technical note for Carl, I saw an indication that at least one audience member was having trouble hearing Valerie. I could hear Valerie well, um, but if there is any, um, adjustment that needs to be made I just wanted to verbalize that. Thank you to the audience member, I'm sorry that you're having trouble. Um, I'd like to move onto the next question and, um, now that we're sort of situated generally, in, uh, the sort of work that you do and the framework, um, that you use to, to think about that work, I'd like to ask for some more specifics. So, particularly, um, uh, focusing on Cassie, and Valerie, and Allison, uh, could you share with us the specific or some specific examples of the advocacy that your organization conducts or the work that you do, uh, or programs that you offer that are relevant to this area? I think this is a, uh, really valuable opportunity for, for all audience members, but maybe in particular, students who are, um, envisioning their own, uh, their own career hopes and their own vision of, uh, achieving, um, the goals that are important to them. So, I'd really appreciate hearing some of those specifics. Why don't, um, uh, we proceed in this order? How about Cassie, and then Valerie and Allison.

Powell: Thank you so much, uh, Professor Samuel-Siegel. I'll also note that Valerie was my career advisor when I was a University of Richmond student. So, um, that that the way you framed that question has, has lots of meaning for me here on this panel . . . um . . . So for, for me, much of my work around the school to prison pipeline, and school push out is working with, uh, community members, parents and students and partner organizations to advocate both on the local level and the state level for policies that keep kids in school rather than push them out. And so that includes a lot of policies that, that, um, you know, we've already talked about and heard about some here today. So it's less punitive codes of conduct in schools. Um, it's more restorative justice programs. It's the elimination of school . . . police programs, school that, you know, removing school resource officers from our schools, um, or at the very least narrowing their, their role for all of the reasons that, that we've already talked about. So, a couple of examples. Um, right now, for example, we are supporting a local campaign in Alexandria City Public Schools, that a local organized group of youth is advocating for their . . . they're advocating for the removal of police from, from ACPS. And so we are supporting that campaign by providing data analysis, um, policy analysis, um, we attend meetings with local elected officials in the youth to, um, you know, provide support to them in those meetings, we provide public comment, we also provide trainings to the youth to so they understands the budget advocacy process, and, and . . . um . . . you know, the policies that they are advocating for, and

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so they have that background information, but they, they define the strategy, and they define kind of what they what they want. And so, it's been a real honor to, to work with the youth in that campaign and to see all of the power that they collectively bring to this fight. Um, so we also work on some, some legislative advocacy. Um, uh, Valerie Slater already already mentioned, one that we worked on with RISE and several other partners, the, uh, elimination of disorderly conduct in 2020, that that passed, so that, uh, in Virginia, you can no longer charge a child with disorderly conduct on school grounds, which was a huge win. But as, as, uh, Ms. Slater noted, um, what we are now seeing is that kids are being charged with assault. And so, there's lots of work still to be done, and eliminating, um, you know, and removing those policies. But those are some examples of things that we work on. Um, and, and that, that I have the the, the great honor to be able to work with so many community members and students fighting, fighting for these policies. So, I think I'll end there and pass it over to Allison.

Gilbreath: Thanks, Cassie. And I think it's also important to note that Cassie and I went to school together, but on a different route. I have my Master's in social work. And so, we do our work a little bit differently at Voices for Virginia's Children, where we're not necessarily doing lawsuits, but we're doing advocacy and then, uh, legislative advocacy. So, one of the things that I wanted to talk about today was, um, really in response to over the summers the modern civil rights movement, Voices for Virginia's Children launched the Racial Truth and Reconciliation week. That was spearheaded by my colleague Chloe Edwards. And the, the week was to draw attention to racial truth and reconciliation here in Virginia. What that looks like, what it meant for kids. And one of the issues, of course, was around, um, uh, criminal justice. And for kids that really looked like the school to prison pipeline. Since the launch of that week that was actually recognized by the governor. And we will, we will do it again, this August 2nd of 2021. That week, it has, we have created a whole entire coalition, there are more than 100 people, and some of them represent organizations who are part of that coalition. But one of the biggest parts is there's a lot of directly impacted young people and adults who are a part of that coalition who were talking to us about how the system needs to be changed. One of the flaws sometimes in advocacy and legal advocacy and litigation, is we lack the voices of those who are directly impacted. And we try to go about change in the way that we see systems needing to be changed instead of listening to those who are directly impacted. So that's the difference with our, uh, racial truth and reconciliation is that we are putting, uh, directly impacted folks at the forefront at the leadership table, and then doing exactly what they say, knowing that we have the leverage to bring the issue to the, to a statewide table.

The other thing that we did this year for the very first time is we created what we called racial impact statements for legislation that was going to have an impact on kids and families. So we did this for several different issues, if you go to our website, VA Kids, and I'll put that in the chat when I'm not talking. Um . . . you can see that for a specific . . . big picture issues, we said here is the suggested change that the Virginia General Assembly is talking about, here's what the racial impact as an equity is going to be on that. Here's the limitations or why it doesn't go far enough. Sometimes we put forth some changes to . . . we take off bites of the school to prison pipeline, but no one is telling legislators, that's actually just one teeny piece of a bigger issue. And if you don't know that you're not fixing the bigger issue than they just don't know, um, they are dealing with thousands of legislative bills every year. And we can't expect for them to be the experts on everything. That's really part of what our job is to do. So that's, um, one of the ways that we are changing how we do what we do. And then we're also engaging young people and advocacy cohorts, um, in a different way than we have previously. This past legislative session, we have three different cohorts of young people with lived experience. Number one, we paid them for their experience and their storytelling and talking to legislators because that is a value. We took away the idea that because we have masters degrees or legal degrees, that we are the experts, and we put them in the, the driver's seat and have really seen dramatic change in perception and understanding of the topics because of that, especially when it comes to legislators. So I'll pass the mic over to Valerie for her to share next.

L'Herrou: Well, the, a, a lot of the work that I have done in the, is focus on the legislative space, just like Allison, and, uh, we work very collaboratively. So, um, I've been really happy to support efforts from both Voices for Virginia's Children that Allison has put forth and also from Legal Aid Justice Center that, um, the folks there including Cassie and Amy Willard have put forth and some of those things have included, um, efforts to reduce the punitive impact of school disciplinary policies, um, and laws to ensure that children who are in foster care you know, federal law requires that if a child is in foster care, the the Department of Social Services is supposed to help that child stay in their original school, um, if that's really the best for the child. So, children in foster care tend to have their education disrupted repeatedly. They go from school to school to school if they leave one family and go to another family. And, uh, last year, the Legal Aid Justice Center, uh, uh, worked on a bill that we supported that would extend the ability for children to stay in their home school past the age of 18. Because not every child graduates from high school at age 18. So, um, it enabled that protection for children in foster care. It still isn't always abided by . . . what's easiest, or in the best interest of the adults helping a child often takes precedence over the

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actual best interests of the child. Uh, but it'll help somewhat. And then for, uh, for legislative efforts that I've worked on that I think play a role in this space, a few years ago, we worked on making sure that a law that impacted permanency plans for children in foster care gave children a voice. So that at permanency hearings, the judge is supposed to hear what the child's thoughts are about that, that permanency option. And, um, it's not always abided by, in fact, it often is not. But nonetheless, it is, is in the law. This year, I worked with a legislator to give children a greater voice in creating their foster care plans. So the law, um, as of now until when it goes, the new one goes into effect in July 1, requires that children 14 and up are included in helping design their foster care plan. And this year, it'll be lowered to age 12, which is in keeping with another law that requires children 12 and up to get a copy of their, you know, get court notice. Um, so that's due process for kids who are 12 and up, but it was sort of a meaningless due process because they weren't allowed to, or they weren't required to be included in the planning process for this foster care plans. So this will be more meaningful due process because they'll have input.

And then I also look because I'm, again, focused on families and not just kids in foster care, I also look at things that might negatively impact families. And so, for instance, this year, there was a bill that was intended to actually help families. It was a, uh, child protective order bill, that was supposed to make it less punitive for a lot of families who were subject to a family child protective order, which basically says, You should or shouldn't do this in relation to this child. It's not the same as an abuse order or something like that. But in there, there was a word that I thought would actually negatively impact families more. And so, I worked with legislators and proponents to get that word removed, unfortunately, ended up back in during conference. So, I still have to work with the governor to get that word out of that bill. But that's the kind of thing that I think that that we do it at VPLC that might be a little bit different from some of the other organizations that we have, maybe sort of a, we pull back a little bit because our role is focused specifically on civil issues that impact low income, uh, Virginians, so we, that is a, um, sort of focuses more on that not not specifically children, or not specifically, justice, but more, you know, how do these things impact people in that sort of lower income economic space.

Gilbreath: And Valerie, if I can jump in really quick just to respond to one of the things that it made me trigger, because sometimes we really separate uh school to prison pipeline and education from the big greater child welfare system that is often driven by poverty and not necessarily child harm or neglect. Uh, one of the things that I think is important as you consider laws or, um, anything like that is that I tell people to consider the community rules

versus the school rules that are often in conflict with one another. So, I often give the example of myself as a mother of a brown child and how conversations that I might have with my son to protect himself in, um most, many situations, he is three years old, so we aren't quite there yet. But one day there will be conversations where I have to talk to him about um how we might uh communicate and protect ourselves in the community and how differently those same exact rules and things that would keep you safe, would actually, could cost, possibly get him incarcerated in a school system. And how our laws are in direct uh conflict with that. And the, some of the CPS laws that you were just mentioning, Valerie, made me think about that, where families are doing what they have to do to protect their children's safety and well-being in their communities. And then they're being uh penalized for those because there's a lack of cultural understanding, um and um well I'm gonna stop there because I could go one for about 20 minutes just about that (laughs) conversation. But I want to make sure that for those listening, understand, have you thought about differences between our rules in our homes and our communities and how they are so subjectively different in our school systems.

L'Herrou: And that's a really great point, Allison, because I was speaking to a judge a couple of years ago who did understand that very issue and uh, she had a child who was, um, uh, before the court, the family before the court, where the, the Department of Social Services was seeking to remove the child because the mother of the child, I guess had walloped the child right in front of a police officer. And so, I guess they called Social Services and Social Services thought, well if this mother would hit her child in front of a police officer, what is she doing behind closed doors. But as the mother explained to the judge, well my child was mouthing off to the police officer, and I, you know, as a Black mother with a Black Child, I need that ch-, my child to know how dangerous that behavior was. And so that's why I did that. And the judge understood that. And she denied the petition to remove the child. And that's the kind of thing where having that understanding can make a huge difference. Um and I don't think we understand these things um as a system.

Samuel-Siegel: Those comments, um, they reflect a theme that's already um on the table this morning. I think which is the, the, the theme, the reality that the school to prison pipeline, as Kevin said very explicitly earlier, is not merely um the product of a set of exclusionary disciplinary policies, um, that exist in uh an education system, but it is, it is both the uh result of and a reproducer of uh much broader systemic realities, uh structural racism, um realities concerning uh poverty uh and, and other realities. And I want to allow us to continue expanding on the inter-relationship between the sort of

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narrower conception of school to prison pipeline as an education uh topic uh and the broader conception of uh its interaction with um broader structures. And so, I think Valerie and Allison and uh all of you have really touched on this a bit already. I think maybe I'm going to ask Kevin to, um, to hop in. And um each of you has said on a few occasions, I think I'll stop there now. And I. what I want to do is say OK, you stopped there. Let's unpause you. So please um continue. Kevin, would you, would you share some thoughts um on the sort of structures and systems that are at play uh and are intertwined with the, the sort of narrower education system questions?

Woodson: Gladly. Uh so, as I mentioned, uh it's impossible to think about this issue without getting into racial bias and issues of racial discrimination, not just on the level of individual decision makers acting in bias, although that, that certainly can play a role. And there is empirical social science research suggesting that individuals including teachers are uh likely to perceive the same behavior as more threatening or more defiant or more of a, of a, uh, of a threat to order and safety if it's being done, uh, committed by a uh black student, instead of a white student.

So, there is research, experimental research, that suggests that that does play a role. It's hard to prove in practice, obviously. But I think more broadly speaking, there are just too many people throughout society who are too ready to assume that poor children, especially poor children of color, are just irredeemable, or problems, uh or who must be brought to heel through harsh measures, and the types of measures that they which, would never consider uh applying to children like their own.

And so, this general way of thinking about the problem, uh, in certain communities, uh really fuels a lot of these uh punitive practices. And I wanted to say, though, that not to undermine the point I was making about bias, but uh it's especially difficult to deal with this because it really is seductive in many ways, especially even to parents who live within these communities and who are affected. And so, it becomes a logic that seems like common sense to many people so that you end up with uh community members supporting in some instances, these really harsh practices that are being imposed, in part because of bias reasons.

Uh, and I would say even more broadly, our society is structured in a way that many children begin their educational careers without being fully ready for school, as educational experts determine school readiness. And so, this is something that links directly to poverty, directly to the exposure to adverse child, uh, childhood experiences, and other forms of trauma, other types of depravations and I've written about this in a few articles. I, I continue to believe that this is a really important part of this problem and many other

problems in that schools, instead of spending the necessary resources to uh, to address any problems here, ended up sort of uh penalizing, uh, treating punitively and penalizing students for this.

And so, I think this is important because uh the research again demonstrates that when children reach school and are having a harder time of keeping up in class, for example, they're more likely to be distracted and more likely to act out in ways that these policies allow educators to punish. And so, when you punish students for becoming disengaged, and possibly acting out, you really uh contribute to this negative cycle. And so, these small decisions can have this huge cumulative impact that ends up completely derailing educational careers unnecessarily. And so, uh I'm sure there are any number of other ways that poverty contributes to this issue as well. But I'll leave that for some of the other speakers.

Samuel-Siegel: I'd like to invite Cassie to, uh, pick up on this theme. Um and then um please, Allison, and Valerie hop in if you'd like uh along the way. Let's see, it looks like we have about another 15 minutes. I want to remind the audience that we're happy to try to answer your questions. But I'm glad that we still have a nice amount of time to continue exploring this theme and, and perhaps move on to another one or two. Go ahead, Cassie.

Powell: Yeah, um so I really appreciate that we're thinking about this so broadly. Um and I'm, I'm learning so much um hearing from all the other panelists. Um my work is, is, is sort of narrowly focused on, not narrowly, but it is more focused on that education part. Um and so, um the one, one of the sort of interrelating topics that I'll talk about is school funding and how that impacts the school to prison pipeline. Um so that school funding is a big issue that we work on at LAJC.

Um and we, we know it's linked to um to school push out. Um we know that the schools with the highest rates of school push out are also the ones that struggle um a lot for funding, like, like uh like Richmond city. Um but I want to make it clear that um school push out is a problem even in very well-funded schools. And I think this is because of lots of different reasons. But um I think one of the, one of those reasons is because historically, we've invested so much money in programs and services that um actually push kids, contribute to pushing kids out like um expansive school security systems, and like school policing.

And so, um what we need to be doing is both fully and fairly funding our schools. So, we need more investment across the board in, in all of our schools, particularly schools, um in high poverty districts, but we also um need to be investing in programs and services that actually promote a positive school environment. So, we need to be investing in restorative justice

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programs, we need to be investing in counselors and social workers and mental health supports in schools. And I think we need to be really innovative about how we're thinking about schools as, as service centers um for um for a lot of communities. Um and I think um that that issue is, is an important um part of this problem that I think we need to address along with so many other um problems that a lot of the panelists have talked about.

Gilbreath: And, Cassie, you talked about um the school funding formula. And I think one of the proponents that sometimes we have to work to overcome is when um school personnel say, well, you, you've taken away one of our tools from the toolbox without giving us something in, in response to it. And I think one of the counter arguments that we have used in the past is, well, even well-funded schools still have this issue. So that doesn't fully explain the extent of the issue. But I do think it's important to note that in this space, it is important to be an advocate for looking at school funding formulas breaking it down. I mean, the fact that school funding formulas are so steeped in economic racism based in post-, uh, housing, property taxes, and things like that certainly impact the way we're able to change the system. But we as advocates that are working to reform school to prison pipeline are deeply involved and trying to gain more access to uh school support resources and putting in things in place for schools to be able to have more tools that don't look like school discipline that don't look like school push out. Uh so, that's definitely a part of the conversation. So, if you're wanting to be invested and involved in the process of this change, you really do have to educate yourself on school funding formulas, and how to advocate, uh it's hard sometimes to get legislators to understand, not necessarily understand, that they have a finite amount of of dollars. And what we need to fix the system is often far greater than what we have available, or what they're willing to prioritize. Uh that's been a challenge for a very long time. Uh So just wanted to, to mention that as well in the conversation.

L'Herrou: I also think part of the problem is um, you know, we, as a society, we have uh, you know, historically, schools have been a way to, uh, socialize people and make them ready for the workforce. And they haven't necessarily, you know, is it time to sort of revisit that, and when you look at how schools, in other countries um, treat children, so, like in Finland, for example, and it's true that Finland is very different society from ours, but nonetheless, they don't even begin doing academics with children until much later age um until around eight, and they don't do any homework for children until much later age. And so the idea of children being allowed to be children, I mean, it's not natural for children to sit still for hours and hours per day, um during a time when children are just full of energy. And um we know that trauma and other, you know, emotional issues are things that uh all of us experience in our

bodies. And as a society, we don't recognize that that's true for everyone. But for an adult, you know, we have years of training of how to keep our bodies still and keep us from showing what those things are. Children don't have that. So when we treat children, as if they're little machines, that we can load up with information that are going to make them ready for the work world, and that we can test and quantify. And in order to receive this information that they must sit still in a chair for hours on end, that's denying what children actually are. And I think other societies are much better at saying, let's let children, you know, learn through play, let's let children learn through interacting with other children, let's have like the Montessori model where there's some uh child driven learning. Um you know, let's look at each child as an individual, what does that child need now, rather than let's make every child fit into this um, you know, uh little box that we that we've decided that children belong in. And when you have children, for instance, um who have been in foster care who have been subject to trauma, whether that trauma is um uh caused by you know, family dynamics, poverty, racism, trauma, again, leads to those kinds of disruptions and acting out. Um and we don't provide treatment modalities that will help those children to integrate and understand what has happened to them. And I remember reading something about how what we should ask children who are acting out is instead of saying "what is wrong with you?" we should say "what happened to you?" And we're not doing that in our schools. We're saying "what is wrong with you? And how can we fix you?" Rather than "what happened to you? And how can we help you um to integrate your feelings and ameliorate what happened to you?" Um you know, that there is a, you know, aside from the school to prison pipe-, pipeline, we also talk about the foster care to prison pipeline. And children whose lives have been greatly disrupted. And this especially happens to boys not so much as to girls. Um but men who were in foster care as children are 23% more likely to end up as, in prison. And if they were removed into foster care as in their adolescence, which, of course, is a time of great turmoil, turmoil for all children, then they're 55% more likely to end up in prison. So these kinds of traumatic disruptions to children's lives, we, our systems are not designed to help with that. And I saw there was a question in the Q&A regarding you know, whether, you know, how judges, um you know, in juvenile courts uh view their, their courts as being, you know, trauma informed as a healing place, how can we get this child the help they need? And I think a lot of judges do do that. I think though, a lot of judges tend to, you know, even though they're trying to go easier on the child, which they, some judges do a better job than others, they may be harsh on the parents. Um you know, when we talk about trauma informed courts and trauma informed systems, a lot of times we're saying, Oh, well, we understand children are victims of trauma, but we don't necessarily understand that their parents are also victims of

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trauma and so sometimes we don't have an understanding of the, the way in which trauma has cascaded down um through our systems and, and through our families. Um so I think we need to do a better job of understanding what is a child? Um what do children need? And how do we help them be children rather than, you know, forcing them to fit in this little school box and then punishing them when they don't fit there, for whatever reason.

Gilbreath: And just to add to that, really quickly, uh, Valerie, I, I would love to see greater collaboration between social workers and attorneys as they're working to advocate for kids that are currently involved or being, experiencing this little prison pipeline, because sometimes what we're missing, and I'm going to use a very "social-worky" term here, is what's called a bio-psycho-social-spiritual assessment of that child that can dig deeper and plainly show everything that has happened generationally in that child's life, often that led to the decision that they made, possibly to flip a desk or whatever the case may be. And it also can explain the parental, um, generational trauma that has been experienced. And all of that has, needs to be taken into greater context with our um juvenile and uh district court judges because armed with that information, they can say, "this child is not going to be served at all by juvenile detention center." When we break down um here we can see trauma court at age at this age, at this age, at this age, and at every corner, um child and family were not referred for adequate or appropriate services instead, child was suspended. There, that way they can link the behavior to what was, what the response was, and what the response should have been. So uh I that's something that I'm advocating for, and would like to see greater participation in um as we reform this, this system.

L'Herrou: And that's what Cassie is she's uh an attorney and a social worker all rolled into one...

Samuel-Siegel: Thank you all. Um, the, the I think the audience um can't see that we received a question about uh the perspective of juvenile court judges and the extent to which they believe that their courts support students in distress and don't punish them. Uh and the audience member was interested in the panelists thoughts on how juvenile court judges view their own roles and what role they actually play. So thanks, Valerie and Allison, for your thoughts there. I want to just pause for a second and ask if either of the panelists, uh either Kevin or Cassie would like to add anything uh on that subject. And if not, that's okay.

Powell: Yeah, I had the great privilege of clerking for two um juvenile court judges, um when I got out of law school, not in Virginia in another state. And thankfully, they were both judges who were very attuned to um a lot of the issues that we've talked about today. They um really wanted to support

children. Um they did not want to, um to detain children. Um but I also think it's important to note that our court system like so many of the other systems in our society, are reflective of, of our society, which um is, is racist in so many ways. And so I think we have to grapple with that and acknowledge that if we're going to, um to look at these issues. And so, um...I think, you know, again, the, the court system is, is a reflection of that. And and I think judges, um many judges are grappling with that. And and um I think we all we all need to support them in doing that, and advocate for them to do that.

Samuel-Siegel: Thanks, Cassie. I'm mindful of the time and think we have about uh four minutes or so. So I'd like to move us to um my last question. Although really, I'm very open to the panelists concluding in the way they'd like. So why don't we uh why don't we start with Cassie? The question that we thought we might end on today is um seeking from each of you maybe one top line suggestion for, uh, the, what you'd like to see occur in the future? One, you know, highest priority um objective that's on your mind. So Cassie, let's begin with you. And then how about if we proceed from Cassie, to Valerie, then Kevin and Alison?

Powell: Yeah, I think um the the one thing that I've um been most grateful to learn in this work, um and that I'm still learning, uh, how to do with so many other advocates is to step back um as, as an attorney and to let um communities lead this work, um folks who are impacted by the issue of school, of the school to prison pipeline and school policing. And so um I think attorneys are taught that we can come in and, you know, solve the problem. And I think it's really um clear to, it's become clear to me and doing this work that that is not um, that is not the way that change um should happen and and really does happen in many ways. Um so I think attorneys can be, to the students who are here, um I think attorneys can be really valuable um to us in supporting this these movements, I think um that, you know, definitely, definitely want to, want to um lift up that the value that that attorneys and other advocates can bring. But um we need to step back and let let the communities who are most impacted lead this work. Um so again, I'm still learning how to do that. And I think a lot of, a lot of folks are, but um that really needs to be our lens and our focus. So, I just lift that up. Thank you so much.

L'Herrou: I agree with Ca-Cassie that, I think that we really need to uh do some more community and impacted um uh people led efforts and to support those and create opportunities for those. I also think that this year has been, you know, created an incredible opportunity for us as a society, um through the sort of combined, um coming together of the really horrific um issues of racism and the pandemic. Um both of these things have really uh enabled us to do some soul searching and examining of our society. I think a lot of people have, you know, been exposed to the vast inequities that we have in our

society that we may, even those of us who thought we understood it, didn't really understand how incredibly deep these inequities went in many different directions. And with children out of school for the past year, I think this gives us an opportunity to rethink how do we do school when, when children come back. And I think it would be a really lost opportunity if we just tried to go back um to normal. But I think that this really, you know, has shown, you know, uh family strength here um with all these families who have been taking care of their children and working simultaneously. Um it also shows how resilient uh children are in the face of all the things that we throw at them as a society and that come out of left field. Um, and it also shows I think that with the joining together of so many people in the Black Lives Matter movement that, you know, people have been open, you know, who may not have been before to understanding the role that they play in maintaining racist structures and a willingness to maybe start um reexamining those roles and reexamining their privilege, and I, to me that, that is hopeful.

Samuel-Siegel: Kevin, can I direct that question to you as well?

Woodson: Sure, sorry, I couldn't remember if I was next, and I didn't want to just uh jump in, but so, uh really briefly, in under a minute, I would say we just need to get rid of racism, poverty, and uh inequality, but uh short of that I think we need a cultural shift in the way that we think about uh behavior and misconduct and, and how to address it. Uh in short of that, we just need to provide schools a lot more resources and training to deal with these problems more constructively and productively. So that of course requires new personnel to provide counseling and therapy and also I think a broader educational and informational campaign to... to really uh reshape the narrative on this.

Gilbreath: And to wrap up my thought would be while we ca-, while we have conversations and we talk about the issues, I would like to see more funding behind the issue. I would like to see community organizers, those who have lived experience to be able to access dollars to organize in their communities. I'd like to see greater funding for schools and just more...uh action and less talk.

Samuel-Siegel: Well, thank you all, so much to the four of you um who joined us today uh and um I know Kevin and I are um here every day uh and it's, it's really uh a .. a special commentary on the...the commitment that Valarie and Allison and Cassie have both to this work and t...to the law school itself, that they've joined us today. So, I want to thank you at a time that ...um very um taxing in so many ways, ways that we can maybe um understand and, and ways that um are harder to understand in this moment. We're facing challenges and being able to come together and speak so

concretely uh and so, um maybe optimistically, is really meaningful uh for me and I hope it's also been meaningful for...for the audience. So, thank you again to the four of you for your wisdom and generosity, and to the students who have made this event possible, uh and to my colleague Carl, who is making sure that um all of the essential uh technology, it allows us to come together into, into community. Thank you all so much.

Wright: To echo Professor Samuel-Siegel, um thank you all so much for being here, for your time, um your expertise, sharing your wisdom with all of us. I think you all, um, hit on this at one point, but I think something that really stood out to me um through you know hearing about your job and uh what you do on a daily basis it seems different but it's also intertwined, and I wish we had more time. I feel like I could listen to you all speak um all day, but I think something that was um a big takeaway, at least for me, and I hope for the other attendees here, was um you know, we decide a lot of times that we are the experts as attorneys or um you know social workers, that we know what's best and uh just some points that were made about it being a community led um effort and really focusing on what those individuals need and what they want um...I thought that was a great takeaway and especially as a student of law going forward um something that I will hopefully take with me. Um but thank you again to all the panelist and to Professor Samuel-Siegel um for moderating. I wish we had time to get through some more questions um but unfortunately, that's the end of the panel for today. Um and as uh just as uh...I think everyone has the schedule but at this time we will be breaking for lunch so uh, we will be starting again at one o'clock um so, if everyone wants to be back by that time uh we will be starting so that we can make sure we stay on track um but thank you all again for being here, and I'll see you at one o'clock. Thank you.

Falahatpour: Okay, welcome back everyone! We're going to go ahead and continue with our next speaker, who will be introduced by Ms. Danielle Taylor, a member of the Black Law Association here at the law school.

Taylor: Awesome. Good afternoon, everyone. Can you hear me okay?

Hamm: Uh yes we can hear you, but we can't see you, is there something covering your camera or maybe you've got to select a different camera?

Taylor: How about now?

Hamm: Perfect. Thank you.

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THE CHILD WELFARE TO PRISON PIPELINE: EXPLORING
THE WEAPONIZATION OF EDUCATION ON MARGINALIZED
CHILDREN AND FAMILIES

Fallon Speaker

INTRODUCTION

Taylor: Beautiful. Our next speaker is a feminist, reproductive justice transformer, social justice leader, and movement lawyer. Fallon Speaker is an assistant clinical professor of law and the director of the Jeanette Lipman Family Law Clinic. Professor Speaker received her undergraduate and juris doctorate degrees from the University of North Carolina Chapel Hill, go Tarheels. Uh while at the University of North Carolina School of Law, she served as the Senior Editor of the Southern Region Black Law Students Association Law Journal. Prior to joining the law school faculty, Professor Speaker served as a staff attorney and a team leader in the Family Defense Practice at the Bronx Defenders, where she represented parents in child protective proceedings who were accused of abuse or neglect. She also served as an adjunct professor at the Cardozo School of Law and the Director of the Mainzer Family Defense Clinic, where she taught and supervised students in child protective hearings. During her time at the Bronx Defenders, Professor Speaker became a very active... became very active in policy, lobbying, community organizing, and movement lawyering. She played an integral role in the coalition building and creating legislation to reform the child welfare system and state central registry. Today, Professor Speaker's presentation will focus on child welfare to prison pipeline and explore the weaponization of education on marginalized children and their families. Please join me in welcoming Professor Fallon Speaker.

THE CHILD WELFARE TO PRISON PIPELINE: EXPLORING THE
WEAPONIZATION OF EDUCATION ON MARGINALIZED CHILDREN AND
FAMILIES

Speaker: Thank you, Danielle, for that lovely opening. Um hello everyone. I am excited to be here with you today. And we don't have a whole lot of time, and we have a lot of information to cover, so I'm gonna do my best to sort of try to synthesize some of this information through um throughout the presentation um and then you know, we'll be available for any questions that you might have at the end of the presentation, okay? Alright, so today we're going to be talking about the child welfare to prison pipeline and specifically what we're going to be focusing on is um exploring the weaponization of education on marginalized children and families, and what we mean by the weaponization of education is sort of thinking about what policing looks like um in the education system, and the way in which we're gonna center that is thinking about this from a perspective of um criminalization through the legal system, and then also penalization through the child welfare system, how those two systems sort of um correlate um, but also how they intersect each

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other and often times can lead to um harmful impacts for juveniles, for their families, and increase in perpetuating the harms of generational um...system involvement and incarceration. So, to get this conversation started I want to first start with centering and grounding um the child welfare system, for those of you who may not be familiar with it, um so child welfare system has been in place in some level fr...from the 1800s, right. But as it exists today, it is largely in place to um be a system that is created to investigate um to monitor, to provide preventative services, um all for the basic um prevention of child abuse and maltreatment and neglect. Um and so, uh one of the central things that is gonna be important for us to center is like where does this funding come from, right, because funding is gonna come up later on in our conversation when we start talking about the criminal legal system as well, um and so I want to introduce you to the Child Abuse Prevention and Treatment Act, which was enacted in 1974, and it also known as CAPTA. Um, CAPTA provides funding to states to provide and increase surveillance for the prevention, detection, and investigation of child maltreatment. Uh since 1974 that funding pool has continued to grow, and it is what uh the states have to apply for in terms, to be able to fund their...their CPS, department of social services, um organizations, as well as the different programs that they have in their community um for reporting, investigation, and prevention services. Um another piece of legislation that I want to refer you to is the Adoption Assistance and Child Welfare Act. Now, uh we're gonna talk about the 1980s a little bit from the, from the civil perspective as well as from the criminal legal perspective, um but in the ... this act is um ... was created and tailored to um divest some of the funding that um was created through CAPTA uh and removed it necessarily from you know...working to remove, uh to separate families, but focusing and investing those resources in the community, right, and so the goal of the Adoption Assistance and Child Welfare Act was that there was a recognition that there were uh there were...there were families in need, communities in need, um and one of the ways in which they could, you know, focus on that and help those families was to invests resources into the community and programing. The hope then was to prevent and decrease the number of families who were involved in the child welfare system. What is important to recognize is that between the 1960s and the 1980s the child welfare system largely focused on poor white families, right, and so this was a way in which the.. the.. the federal government uh was taking money to really invest in those communities um, and.. and communities riddled by poverty, um some by violence, um but to sort of help those families, um, this went towards education, this went towards basic living necessities, um sort of thinking about the issues that we're gonna later talk about which are typically um termed today as maltreatment and neglect. How do we prevent those things from happening, and so a lot of funding went towards that. And...1997

um...and. and we're gonna talk about what happened between 1980 and 1997 to get us to this place, um where we have the Adoptions and Safe Families Act, which is known as ASFA. Um this was a federal policy that was tailored toward boosting foster care and the speed of adoption. So we saw a complete shift from the, the standpoint of how we were gonna use the child welfare system. Um what happened between the 1980s and the.. and 1997 relatively um is that there was a steep increase in the number of children and families involved in the child welfare system, this is largely due in part to the War on Drugs. Um and what resulted from this was that we had a large number of um, you know, black and brown parents who were incarcerated; a large number of black and brown parents who were um substance addicted. Um and then we had a large population of children who then needed care, and um the way in which, and in addition to children who needed care, um the government found itself dealing with a situation where there were a lot of children who were, who were termed delinquents. Right. And so this is what you're going to hear referred to as sort of like the super predators, rise of gangs in the late 80s and early 90s. Right. And so they wanted to figure out how do we you know, how can we divert these children right out of these um in these communities and provide permanent placement for them? And so this is why this legislation was largely drafted. And this is something that, um you know, Hillary Clinton was a large proponent of and Bill Clinton. Um this um piece of legislation implemented a few different things. Uh, one thing that it implemented was this rule uh that, you know, parents who became involved in the child welfare system had, you know, 15 months out of the you know 22 months of involvement to basically figure out how to meet the goals that the child welfare agency has set for them. Or their rights would be terminated to their child. And that's a very like layperson explanation of what happened. But it basically codified this rule that you have 15 months, that the agency had a sort of plan with you to have your child returned back to you and if you fail to meet that for any reason, um then you're, you could be at risk of having your rights terminated. Um it codified these standards, which were adopted largely by states and um basically gave them sort of...it, it attached a numerical value to that as well. So it attached funding to it. So it said, um you know, states, if you want to receive money, you want to continue to receive this capped funding, you're going to have to be able to show us that you've made the efforts necessary um and we are going to talk about that as reasonable efforts, right? But you made the efforts necessary to uh, reunify the family, right? To work towards something for this child. And the thing ASFA brought in was that whereas the legislation in 1980 was focusing on family reunification and sort of keeping a family together. What the Adoption and Safe Families Act recognized or stated was that, you know, families don't necessarily have to be together, right. That may not always be the

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permanency goal. And we shouldn't keep children in foster care for, you know, five, six, seven years waiting for family reunification. The goal should really just be focusing on permanency and largely permanency is adoption um or guardianship by some other family or rel-, or family member or a relative or friend um and or permanent placement in foster care, right. Um And so this is oftentimes what was happening. What we saw um was the, with the increase in funding was adoption incentive grants, right. And so um we saw a boom in the number of people who wanted to adopt children and who would pick children out of the child welfare system largely because of the incentive grants. Um if you adopted a child, even if the adoption failed, which um the number show that, you know, 40 percent of adoptions do fail when children become teenagers, right. And we are going to get into reasons for that. But when those adoptions fail, an adoptive parent can still receive funding for that. Um, so there is a lot of financial incentive attached to this. Umm but over the period of time from 1997 um to 2017. Uh, I'm sorry did I say it right? Uh yeah 2017. What we saw was that there was over one million adoptions. And that sounds like a really great thing, that meant that was over one million people who didn't languish in foster care but what we know is that there was a percentage of I believe 25-40% of those adoptions failed at some point. And many of those children um either ended up aging out of foster care in foster care or leaving foster care in a permanent home. The, the last thing I want to talk about that's important for asking for you guys and for us to sort of talk about is um how does this intersect then with the legal system is that it increases funding for surveillance um through welfare programs, right. And the reason why that is important is because what we're talking about is, it didn't say, like, you know, we're going to connect this funding to policing per se. But what it says is that we want to create these um these actors who will serve as um, um, people to police these communities. Um and they don't call it policing in the child welfare system. They call it mandated reporting. Um so, mandated reporting is a set of laws and professional rules that require individuals to make reports um...to the state when they suspect a child has been neglected or abused. And, you know, I think it's important for us to sort of really sit with what that means, right? This means that um this is any sort of actor and that has been, through codification, mandated to report something that they suspect is an act of abuse, an act of non-treatment or act of neglect. Right? And, you know, that is going to vary by state in terms of what that codification looks like. It's also going to vary by state in terms of who is a mandated reporter. Um for example, there are some states that require every person in that state to be a mandated reporter. And most states um simply require that, uh...you know, most states simply require that it is relevant only to people who are involved with children or who work in public um entities, right. So like schools or people who are doctors and nurses. And we're going

to get into what that looks like. So just to give you an idea of sort of who mandated reporters could be possibly um I put this sort of chart here for you in this diagram. Um and you could see it could be police officers, uh therapists, uh day care providers, teachers, Department of Social Services workers, anyone in the public school system, from the janitor to the cafeteria worker um to the teacher to guidance counselor. Um people who are working at homeless shelters, anyone working in sort of any counseling programs. The bus driver, um anyone in any sort of public benefit deal. So um working for the Department of Social Services, anyone working in low-income housing, um you know, any sort of crisis worker. And then one thing that people often don't recognize is um people who are district attorneys and also people who prosecute um Department of Social Service cases um and represent children as guardians ad litem oftentimes are mandated reporters.

And so why is it important to think about it is that um mandated reporters didn't you know come in to, you know, the light. They weren't created in 1997. The mandated reporting system has been in place. Right. Um and that system has been in place for this very particular purpose to prevent um child abuse and neglect. And, you know, the idea is that we have more eyes open and more people required to report whatever and understanding we can't easily prevent this from happening. But um what we know is that the accuracy of the system and preventing or stopping the harms doesn't reflect the amount of reports that come in anyways, right. Um and the studies show that children don't necessarily do better, right? In jurisdictions where there are high um numbers of mandated reporting happening, right. So what we'll find is that there'll be a jurisdiction where, you know, that jurisdiction might have had 70,000 reports that came in, right. And only maybe, you know, eight thousand are actually indicated. Right. There is found to be some actual um maltreatment or something like that happening. And those numbers are probably, um, probably estimating that at a higher rate. Eight thousand generally is probably more like five thousand if you're looking at about 70,000 cases. Um those will be those will be determined based on the location, obviously. So oftentimes in rural areas such as the substantial um race are going to be more in tack with what's being reported. Um And then, you know, that is going to vary when you're in an urban or larger city. And these are also disproportionate um reporting. So what we have also found in this system is that, you know, reports are called in more often in low income black and brown communities. Right. So is disproportional with what's actually happening in terms of actual abuse or neglect um among children.

So I just put this here for you guys to get an example of sort of what the codification could look like. This is the code from um Virginia code uh in terms of talking about who mandated reporters are. Um and I would just

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highlight for you here any probation officer and we're going to get into talking about this. So, you know, SROs, uh, student resource, school resource officers, also thinking about probation officers who people who are dealing with people who are in juvenile delinquency um proceedings and working with families in those courts. Um any person employed as a social worker or a family service specialist, um teachers or people who are employed. Um and then it also talks about any person um who is employed by public or private organization responsible for the care, custody, or control of children. So think like after school programs, um any sort of community, a lot of different community programs. Those people become mandated reporters as well.

So what's so important to what, when we're talking about you know, the weaponization of education in marginalized communities and families. What's important to remember is that, you know, this weaponization didn't start as a war on students or a war on education, right? Um you know, in order for us to sort of really understand this, we need to do just a quick little dive into like, you know, thinking about where this came from, right. And so we on the one hand, talked about the child welfare perspective. Um but I also want to give you a perspective of how child welfare comes into an education perspective. Right. And there we're going to move from there and then turn to thinking about the criminalization of it. Um, and so thinking about this, um I want you to think back to sort of like where we, where the United States, um, in the history of the United States, the education in the United States. And it's important for you to consider sort of the um the move from segregated schools to integrated schools, right. Um and so, you know, we all are aware of the fact that, you know, through to 1965...1960s, um there was a number of legislation passed um that prepared and allowed for the move from segregated schools to integrated schools in which many black schools integrated into um predominantly white schools and institutions. Um and what we also are familiar with, we are familiar with the pushback that happened between the 60s and the 70s. But what is oftentimes not talked about and correlated with that um is sort of the war on drugs that took place in many black and brown communities during this time and this rounded up in the 1980 Reagan era. Um and what we saw during that period of time was an increase in arrests and convictions in communities of color. Um and we saw an increase in the incarceration of black men, um black children and black women. Um and what often isn't talked about at that time is like the increase in um incarceration of black children and black women. And the reason why I want to focus there a little bit is because what we're talking about is the intersection of that with the child welfare system because what I explained to you before is that at the early part of the 1980s, the goal of the child welfare system was really sort of thinking about family reunification, and with this ramp up of the war on drugs. Um and to be very fair and clear, um, the influx

of drugs and to black and brown communities, . . . um, drug use, itself, and substance abuse itself was criminalized, right. So not only were there. . . um disproportionate uh laws put into place to that led to you know to incarceration for. . . lengthy um prison sentences of black and brown people who were either caught using or um distributing um. . . substances. But what we also saw was that. . . people, families, parents were punished both in the criminal system, and in the um civil child welfare system. So at the same rate in which these black and brown um. . . men and women were going through the legal system, often, their families were also being separated. So, where there were no, you know. . . you know, large support system to take the children you know, grandparents, aunts, cousins, that sorts of thing, um who were also affected by the system... those children went into the child welfare system and it was this influx of children at the same time of the war on drugs, right, that led to sort of the idea that the influx in the child welfare system, and where it became critical to address, you know, this growing percentage of children who were in foster care, um and sort of the resources that were being funneled into keeping those children in foster care right with the fact that these parents are going to have lengthy sentences in prison with the fact that, you know you have parents who were continuing to habitually use right. And so we now in hindsight know that addiction um is a rehabilitative process that's lifelong. But during that period of time, you know, there were a lot of negative connotations, attached to that, right. One of the link to which children will have to suffer from that, and the actual harm their children will suffer from either being exposed to um substance use, or being raised by parents who were substance um users. And so that sort of harm is the thinking about, you know, what sort of um mental health and emotional health impact that could have on children, cognitive impacts that could have on children um and developmental impacts that can have on children, and you may be familiar with the term crack baby, right, it rolls out of this sort of fear that like you know parents who were using substances at this time um and we're talking about crack cocaine, largely, and then also opioids, at the same time um those that was seen as something that was punitive and harmful to children. Uh because of this, the Violent Crime Bill was something that came into play. And you know the proponents of this bill were Biden and Clinton. But in 1994, but you also have to understand there was a lot of predominantly black communities that were at this point ravaged, right? So you have over 10 you know years now at this point, of constant influx of drugs, substance use in these communities, so they were ravaged, right. Um and so what you see here is that this proposal, um provided grants to increase law enforcement presence in communities of color, and to build um additional prisons, um larger, you know. . . increase the quantity of juvenile detention facilities.. . . Um and it also, it pushed and encouraged cooperation between police and

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state agencies to surveil black and brown communities. So why is that important? That is important because as we talked about um we already had this idea of mandated reporting, so with the legislation from the crime bill and the ASFA legislation combined, you have an influx of millions of dollars that is put into now surveilling black and brown communities and the sort of resources and services that are, are there to provide benefits to those communities. So, what we're talking about is the education system, right, putting more um resources into surveillance that is taking place in the education system, um and the policing of that system, child welfare systems, public housing systems, any sort of system that's gonna come into contact.

So, I guess now we're moving into the contribution on what these policies have um given to modern day policing and education. And what we see now is that child welfare, um, education is policed both from a child welfare perspective, as well as from a neglect and maltreatment perspective. And so we see that, you know, they're all mandated reporters in the education system are required to report things that they suspect to be abuse or neglect or maltreatment and that could be uh improper clothing, food or shelter, it could be, you know fell in subjects in school repetitively, without the parents appropriately taking action. . . . Any of these sorts of things could be reported. We also see that there's uh a movement towards penalizing truancy, right. And so when we're talking about truancy we're talking about missing school. Um and the child welfare surveillance, the way it happens is that the parent that the school reaches out to the parent guardian, they asked him to correct it, if they're unable to reach him or they feel that the parent hasn't corrected it um and this is a school aged child, then they will file a complaint to the Department of Social Services, and then that opens, Department of Social Services, opens up an investigation on the family, which could lead to potential removal of the child from the home. In Virginia, this is um penalized and criminalized through compulsory attendance law um so its a class three misdemeanor against parents for children not attending school between the ages of . . . uh 5 and 18. And then in addition, children who are found to be truant and this is largely going to be focused towards older children, um you can think teenagers, but I think the earliest age is six. Um but thinking teenagers, they could be placed in the custody of police and they can be processed and given services through juvenile court. So, starting their um their involvement in the criminal court system at a very early age for something that is actually um nonviolent, but also not criminal.

The other thing that we have here is the thought of like sort of penalizing mental health and learning disabilities. So the way in which child welfare surveys this is through IEPs. Um so there is an individualized education plan. Failure to comply with that plan by the parents, so, uh, can lead to removal

of the child especially if it's younger children often times when there's teenage children the schools will be a little bit more relaxed because they understand that there's so much that a parent can do. But when we're talking about children between the ages of 6 and 10 they expect the parent to comply, um that can become very hard for marginalized communities especially where a part of the services are services that are not, um, included in the school curriculum, right, they're not resources provided by the school. The parent has to go get them on their own. Um the crimin. . . criminalization aspect of this is the failure of students to comply with the IEP can lead to suspension um involvement with a student resource officer, uh juvenile delinquency involvement. Um and then, where we see this a lot is uh students who have uh behavioral problems, um because they have a diagnosis. . .um, or because they have not been diagnosed properly. . . people, students who have mental illnesses or other mental health concerns and learning disabilities, right. Um, and so we see that these students are oftentimes um isolated from the classroom, and as we're going to talk about in just a second, they often face harsher punishments um for the actions that they may take, because of their own mental health or learning disability. Right um how does uh criminalize.

So, the way in which um behavior is penalized through the child welfare system of surveillance in the school is again um this can lead to a report of suspicion of, uh, of maltreatment. And what this results in oftentimes is removal of the child from the home. And the reason why I keep saying that is because it's important to understand that the removal of the child from the home, oftentimes means going into a group home, going into um you know some foster care placement um with uh uh facility um so oftentimes these kids are placed in facilities, uh housing facilities, that are very much like being in juvenile incarceration. Um and then you know it could mean placement with a, you know, adoptive family family and then oftentimes older children, or even younger children, you risk, you run the risk of a lot of runaway children, uh, and missing children. Uh the criminalization aspect of this um is obviously involvement. So first it starts with suspension right. And then, what we find is that what the data shows us is that when children are suspended um one time, they're more likely to be suspended again. Often these suspensions are short term, um but they can have a large impact on children who are suspended from school. Um this oftentimes can proceed and lead to an arrest or involvement with SRO, um and then this is taking us on a pipeline to juvenile or adult incarceration. Um And if the children. . .child continues to be suspended, they often can also um run a risk of being uh placed into another school assignment, which we often know as alternative school placement.

So just a quick little bit of data here for school suspensions in VA, um you know, there...were approximately in 2018, 123,000, um short term suspensions, and the reason why this is important is because that once the child faces as a short term suspension, they're more likely to face a long term suspension or continued um short term suspensions. And what we also know is that um students who are facing uh short term suspensions are students who typically have behavioral, mental health, cognitive function or some other disability. . . .When I say short term suspensions, this is what we're talking about right, so attendance. As you can see here this is truancy what we're talking about um you know, for minor issues having a cell phone, disrupting class, um walking away, you know disruptive demonstrations I'm assuming this sort of maybe engaging in fights. Um and then, minor insubordination, using obscene language right, um inappropriate clothing that sort of thing, this is what we're talking about with short term suspension, and it's going to last up to 10 days.

So getting into thinking about why policing education contributes to the child welfare to prison pipeline, I think it's important for us to just think about um the disproportionality of the policing, right. Um students of color are more likely to attend these schools that have um SROs, more likely to um be removed from their school, to be removed from their family because of issues that present themselves in school, um and also, are more likely to be arrested. Uh, the data suggests that um although 1.8 million children attend schools, um, with no resources for counseling, those students are attending those same schools with resources for, um, SROs. And, here, I put some data here just so you can see, like how the disproportionality, um, takes place nationally. So thinking about black students, for example, in Virginia, the students make up 39% of public education, but 75% of the arrests. And, um, Connecticut, um, 25% of the public enrollment, but 35% of arrests. And this is Hispanic students. And then thinking about Native American students, um, Arizona, there, they are 8% of their enrollment in public education system, but 25% of the arrests.

Video - Police Officer:(Inaudible).. Put your hands behind your back. Give me your hands, give me your hands.

Video - Lt. Curtis Wilson: Uh the student was asked to leave the classroom several times by the instructor at the school. Assistant Principal was there as well. Uh, then the officer was called on scene to actually have the student uh removed from the, from that location. The student refused and the officer uh acted that you've seen on the video. Now, again, what we saw was just a tidbit of what that video showed. Of course, we are going to look at what happened that led up to it. That incident that took place and then what happened afterwards. All of that is going to take part in what the Sheriff decides.

Speaker: Okay. I'm not suggesting that every removal takes place like that, with a child in school, right. A lot of removals do take place like that. And what we've seen (inaudible). Okay so I'm not suggesting that that is happening all the time, but what I am suggesting is that, you know, with the increase in being able to see the surveillance from the schools, um and with the increase in, you know, cell phone recording, we are able to see that often times black and brown students are handled aggressively like this. And so what I want to talk to you about is another case study outside this video. And we have seen these videos pop up throughout um social media, and throughout news reports over the past 5 to 6 years, uhm. But what we also ... this is a case study of a six-year-old black male student, he displayed a hyperactivity in class. And this is a student who I specifically worked with. Um, he didn't follow the teacher's directions in class. Um, he appeared to be distracted while learning, the teacher did ... followed up with parent. The parent went home, she disciplined the child. Uhm, by hitting him with the belt. Child came back to school with belt marks on his arms and leg. The teacher made a report of suspected abuse, right. Um, DSS did an investigation and the child admitted that the mother did hit him with a belt. The child was removed from the home. Uhm, the child came back to school. He became more agitated and destructive. He started throwing chairs in the classroom, so he was placed in foster care, came back the next day. Started throwing, you know, chairs in the classroom. SRO was called. That six-year-old child was placed in handcuffs and removed from the school. Um, he was then taken, without waiting for the mother or any other guardians to come, because at this point the guardian becomes the state. Uhm, the child was then taken to the hospital, um placed on a you know, 72 hour hold, um because it was stated that he, you know, had given ... had made statements about killing himself, right. Uhm, throughout the process he had bit, uhhh, the SRO. He had also bit the teacher. Um, and so they also, they were considering pressing criminal charges, right. This is an example of how these sort of different systems sort of intertangle. Um, and intersect with each other. And the harm that can be caused, um, when the reaction is punitive, right, as opposed to thinking about, uhm, this from a social work, holistic perspective. Uhm, some additional harms that I've seen caused by this as someone who has practiced both in the juvenile system, and the juvenile criminal system, and the child welfare system, is that we have already talked about sort of the disintegration that happens within the family unit, but the increased rate of children who are become foster kids, the increased rate of homelessness. Um, there becomes a lack of trust in the system so that when actual harm is taking place, children are less likely to report it, families are less likely to report it. Um, you have a consistent emotional and mental health trauma that is impacted on children, and we often seen that their mental health deteriorates, um, over time, and in education

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when they are faced with these sort of um system attacks. Uh, there grows a perpetuated racial bias, um, based on who we believe the problem children are going to be. Who we believe the problem families are going to be. And that biases is learn...it is learned by, you know, students of color, um it is learned by their teachers. It is learned by also there peers, right. And it continues to be generationally perpetuated. Uhm, we see an increase rate of misdiagnosing over.. diagnosis and over prescription of medication. So often times students are often times misdiagnosed with OCD, oppositional defiance disorder, hm, ADHD, bipolar disorder – seen so many children diagnosed between the ages of 6 and 12 with bipolar disorder. Uhm, and other sort of mood disorders, and then overly prescribed medication that could have an impact on them, um, as they mature. We see an increased rate of failure to complete school and drop out, incarceration, um, and that continued cycle of generational child welfare and legal system involvement. And the one thing that oftentimes isn't talked about, but it's the impact that this could have on um long term employment, as well as college admissions and financial aid, especially when, you know, we have these repeat offender children, um who are then given, you know, more serious charges, right. So it starts as suspensions, and then it goes to misdemeanors, and then it goes becomes felonies, right. Um and then those who also become involved in the adult legal system uh as teenagers.

So, in thinking about sort of what this looks like from a reform advocacy perspective. Um, I think there are a lot of opportunities for you guys to consider this. Um, there are organizations here in Virginia who are tackling these issues. Um, the Legal Aid Justice Center, I pulled a lot of their data actually from some of the reports that they had done, but they have the Youth Justice Program that tackles these issues. Um, there is the Virginia Poverty Law Center that works on both fronts of this from the child perspective, as well as from the family perspective and thinking about uh representation of children and parents and the child welfare system, as well as um the sort of juvenile system. Uhm, and then there are coalitions that specifically focus on child welfare reform advocacy, in addition to coalitions that focus on Juvenile justice reform, right. Uhm, and and you know, that ranges from you know trying... um, children as adults, to thinking about the removal of SRO's from schools, to divesting funds in criminalization efforts and policing efforts of marginalized communities and education system. And investing those uh funding into community-based resources, right. And then there is going to also be, um, a lot of different advocacy-oriented groups that you could join, um, as a law student or as a student or as a just a member of the uh community. They are focusing on lobbying and coa... coalition building, uhm, around these issues. And specifically campaigns related to the Black Lives Matter movement involving black, um, law students and, law students for

black lives. Uhm, at U of R we do have the Family Law Clinic that focuses on the issues as they pertain to the child welfare system. And then the children's um, law clinic, uh, Children's Defense Clinic actually that focuses on uhm juvenile representation.

I believe that, you know, the reality is we have a long ways to go. Uhm, and I think that this year has been the, has set a tone in terms of thinking about, uhm, you know reform and what that advocacy look like, you know with the rise of the Black Lives Matter movement. So I think this is the apt time for us to be considering this sort of weaponization. But not only to consider the weaponization, uhm, of education through these systems, but to consider broader impacts that, you know, the intersections of the criminal and child welfare system have um on children and families and marginalized communities. Alright, thank you.

Taylor: Awesome, thank you Professor Speaker. I hope it goes without saying that we thoroughly appreciate the impactful work that you do, and we are super grateful that you would share that with us today. So, thank you.

Speaker: Thank you guys. It was a pleasure being here. I left my contact information if anyone has any questions, please feel free to you know, reach out to me, or you know if you want to continue this conversation, I am happy to do so. Thank you guys, appreciate it.

Taylor: Thank you. So with that, I will turn it over to two of the dopest symposium editors that I know, Carly and Sogand. Thanks for having me.

Wright: Thank you Danielle, and thank you Professor Speaker. Um, as a student of Professor Speaker's last semester, um I can say that she is wonderful and the work that she does, and I am grateful that, um, I had the chance to learn from her and hear more about the child welfare system in the context of the school to prison pipeline, so thank you so much Professor Speaker for being here. I am going to turn it over now to Olivia, um, she will be introducing our next panel. We are just going to go right into it and keep on rolling, um, with the symposium, so, on to you Olivia. Thank you.

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PANEL: MODERN-DAY SEGREGATION IN VIRGINIA
SCHOOLS & HOUSING

*Rachael Deane, Genevieve Siegel-Hawley, Kathy Mendes, Mariah
Williams, Tara Casey*

INTRODUCTION

Seksinsky: Thanks Carly. Good afternoon everyone. Thank you so much for joining us today. My name is Olivia Seksinsky and I am the Senior Manuscripts Editor of the Richmond Public Interest Law Review. Today I have the honor of introducing our second panel, Modern Day Segregation in Virginia Schools and Housing. This esteemed panel will discuss how living in public housing impacts students and their families in the context of their education. Our panelists include Rachel Deane, the director of the Youth Justice Program at the Legal Aid Justice Center. Genevieve Siegel-Hawley, the Associate Professor, Professor of Educational Leadership at Virginia Commonwealth University, and Kathy Mendes, a Policy Analyst at the Commonwealth Institute. Unfortunately, Mariah Williams, the Director of Research and Policy at Housing Opportunities Made Equal in Virginia could not join us today. Our very own professor in areas of public policy and poverty law, Tara Casey, the director of the Carrico Center for Pro Bono and Public Service will be moderating our panel.

This panel will discuss how Virginia has historically implemented policies that encourage and perpetuate segregation. It will also explore how this modern-day segregation affects school aged children and their families, as well as how those policies contribute to systemic racism, and disproportionately affect families and children of color, and individuals with disabilities. Further, this panel will provide examples of how overtly and covertly racist policies within Virginia's statutory structure, including housing issues, lead to adverse consequences within Virginia's education system. Further, this panel will compare the disproportionate allocation of resources in several Virginia school districts, and how it contributes to the school to prison pipeline. Lastly, our panel will discuss proposed solutions to the modern-day segregation trends, and how better housing policies can lead to better outcomes for Virginia's children. Please join (audio cut out) this panel.

PANEL ON MODERN-DAY SEGREGATION IN VIRGINIA SCHOOLS & HOUSING

Casey: Thank you so much Olivia, and thank you to all of the organizers from the Public Interest Law Review for this amazing symposium today. The issues being tackled are... could not be more timely for, not just our law school and our community, but really, truly our nation...uh...at this moment. And so I appreciate the foresight and the thoughtfulness in all of the hard work that all of the students on the Public Interest Law Review have put...put into today's symposium. And I could not be more excited to be moderating today's panel because every single one of these panelists are someone who I

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consider to be a hero in our community or honestly a she-ro (laughs) looking at the composition of our panel. They have been steadfast advocates, educators, allies, activists on the issues of segregation and its intersection with poverty. It's...it's intersection in education. And I'm so excited to have their voices be part of today's program as well. So, to get started, I think it'd be helpful for us to understand a little bit more about the history of segregated housing and the laws and policies that then in turn supported segregation in our public schools. Uh...Genevieve, would you be able to share with us that history and...and how did we get to where we are right now?

Siegel-Hawley: Well, how long do we have, no, I'm just kidding. Um...Thank you.

Thank you for having me. It's an honor to be here. And thanks for moderating this...um...Tara.

So, you know, I...if we think about the year 1954 when the Brown decision was handed down...um...and where we were in terms of our metropolitan...um...housing trends.

You know, I think, at that time, most school segregation...um...occurred between schools in the same school district, you know, because there were dual systems of education...um...schools for Black children, schools for white children. Uh...so at the time, Brown was decided...um...you know, it was a within-district issue. Within school systems, within urban school systems, within suburban school systems, we were already seeing the effects of discriminatory housing policies from the federal highway construction to redlining...um...to urban renewal. Uh...and it, overlaying all of that, this massive subsidization of white suburban housing. Um...we see the seeds being sown for...um...you know, a, a situation where you have Black students concentrated in central cities and white students...um...overwhelmingly concentrated in the suburban areas. The question of whether school desegregation could encompass a metropolitan housing market came before the court first in a case out of Richmond. Um, and, and if by 1973, when that case was being considered, if we were going to actually have a, a, comprehensively desegregated school system, it needed to involve both the cities and the suburbs because of the past discrimination in housing. Um, and that, of course, did not happen. So, school desegregation proceeded almost entirely limited to our urban cores. Um, and that set the stage for patterns in school segregation that we see today and also patterns in housing segregation.

Casey: Thank you so much, Genevieve and I, I just want to add, because I found this to be just a fascinating little nugget I learned about you, um, in preparation for today.

Is that you yourself is, are, you're a former teacher and a proud graduate of the Richmond public school system.

Siegel-Hawley: I am.

Casey: So this...all of this work that you've done is also one that...um...I think probably began maybe your first day in kindergarten. (Laughs)

Siegel-Hawley: I don't know about that, but, but certainly has shaped my...my...um... commitment to understanding more about the issue.

Casey: So that's what brought us to today. But how are the vestiges of these policies still manifested in today's segregated school system? Kathy, can you speak, because I know that the Commonwealth Institute for Fiscal Analysis, they did a landmark report, um, within this past year on the persistent segregation in our school systems. Can you speak to how those vestiges of the past that Genevieve spoke of are still nevertheless, um, permeating our schools to this moment?

Mendes: Yeah, of course. And also, thanks so much for having me. It's such an honor to be on a panel with such brilliant folks. Um, but yeah, I mean, we can easily see the vestig-, vestiges of this history...um...just in the way that we assign students to schools, right? At least in the vast majority of...uh...divisions in Virginia. Um...These policies, like housing or otherwise...uh...became inextricably linked to how the public education system operates, because...uh...what school someone goes to and how well resourced it is typically depends on the location of the neighborhood, and of course, the makeup of that neighborhood. Um...So if the neighborhood or city of an area has been segregated as a result of these policies, naturally the school will reflect the demographics of that area. And you get schools...um...that are racially isolated...and as Genevieve mentioned...this can happen...you know...between schools inside of a district, but also very much across district as well. Um...Another way to sort of look at that question is, you know, what are the experiences of students in those schools like and what are the sort of like trends and outcomes that are happening as a result of that we're seeing modern day, right? Um...One clear example of that is in access to coursework. So...um...as part of our research...um...in the report that you had mentioned...um...we found that schools in Virginia with 25 percent or less white students are less likely to offer challenging courses...um...like calculus and chemistry than schools with larger shares of...um...uh...students of color. Similarly, highly segregated schools are less likely to offer advanced placement...um...classes...and when I say highly segregated, I also mean like schools with higher shares of students of color not segregated, just fully white students...right...Um...So many of these students don't even have the opportunity to take the same classes as other students do in other schools in their

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district or across the state. And that's, of course, going to have a lasting impact on their academic achievement and their...um...opportunities moving forward in life. Um...Research also shows that teachers in segregated schools get paid the least. Are...um...they turnover frequently, are subject to stringent accountability efforts that...um...will impact the well-being of teachers as well as the students. And...and lastly, you're, Black and Latinx students also continue to attend schools with higher levels of student poverty compared to white students and the overall student body. And that trend has actually grown over time. Um...And we know schools with high levels of poverty face challenges like resource scarcity...um...inadequately paid staff, worsening school facilities...um...and students of color...um...have and are bearing the brunt of those challenges. So, these are just...you know...some of the lasting impacts that students are feeling today...and teachers and families, are feeling today as a result of the history of housing and education segregation...um...that continues to happen...um...is what we found.

Casey: So, but this isn't just confined to housing or to schools, I mean, as much of the themes and what's been discussed today is also now the intersection with our criminal legal system...um...uh, there...none of this is isolated into its own pockets. And we've been unpacking today the concept of a school to prison pipeline, how it is formed, how it is perpetuated and what could possibly disrupt this. But I think we need to understand and...I'm hoping, Rachael, you can help us with this...is how does...how do education and housing policies set up the scenario of where school to prison pipeline can be possible?

Deane: Sure. Thank you. Um...I'm excited to be on this panel and thank you to...uh...the law students who did so much hard work to set up this conversation. Um...I was able to listen in to some of the previous panels today, and it's been a really rich discussion. And so, I think that throughout the course of the day, we've established what the school to prison pipeline is, this system of laws and policies that drive children out of the classroom and into the criminal legal system. Um...you know...I think, yes, there are. Uh...there...there's a complex web of...of facially neutral...um...housing and education policy that also contributes to the school to prison pipeline.

I think, first of all, I would...um...I would refer to what Kathy mentioned about resources.

I think...um...both our housing patterns and our education patterns have created highly segregated communities...um...and in many cases...um...very segregated communities of color that are cut off from access to resources. Um...and that starts to contribute to the school to prison pipeline when you have school divisions, school buildings...um...that don't have the resources to

address all of the student's needs, that don't have the resources to implement...um...positive school cultures and restorative practices...um...that don't have diverse teaching staff, diverse education staff who are culturally competent...um...um...and that don't do enough to look at implicit bias among those...those educators. All of those factors...um...related to resources contribute to creating this environment of a school to prison pipeline. I think too, housing patterns...um and you can see this quite clearly in Richmond, across Richmond public schools, housing patterns continue to be quite segregated and our communities of color are incredibly overpoliced. Um...They are under constant surveillance...um...and that community policing absolutely spills over into the schools as well. Um...and so...you know...students who are attending...uh...schools in more segregated communities with an over-presence of police...uh...are going to be caught up in those...um...those policing practices and those...those punitive practices. Um...I think it's...you know...I wish Mariah were here. Um...I-I think...um...you know, she...she has a lot to contribute about the housing aspect of this. Um...the unfortunate reality is that the...the goal of the Fair Housing Act...which...which was passed just a week after Dr. Martin Luther King Jr. was assassinated...um...has not been realized. Um...The Housing Act has two main...The Fair Housing Act has two main goals...um...to eliminate housing discrimination and sometimes more importantly, I think, or...or...or...um...just as important...um...to promote residential integration. Um, and we continue to see, yes facially neutral, but still destructive housing policies, um, that lead to under-resourcing of entire communities. So that means under-resourcing of opportunities for lending, for homeownership, for public schools and for other public goods. And, and yes, when you look at the confluence of all of those factors, um, housing policy plays just as much of a role in cutting off our public school students from the resources they have a right to and in promoting the school to prison pipeline.

Casey: Rachael, if I could follow up with you, though, on, um, a point because there's this concept that at one point in our country segregation was the law and then we, through Court cases and legislation, de-segregation became the, the goal. But there's a concept that segregation still begets segregation and, um, and whether our current residential housing and school division boundaries are, in a way, helping to drive this school segregation and the history of those boundaries. Can you talk about, how do we move forward when these are the boundaries that were potentially set up when segregation was the plan?

Deane: Yes, although I will phone a friend because I think Dr. Siegel-Hawley and Ms. Mendes have a lot to say about this as well. Um, yeah, I like to say segregation begets segregation. I think it's a reciprocal relationship, um, between school boundaries and between, sort of, local, municipality boundaries

and neighborhood boundaries. Um, there's, there's research out there showing how they drive one another. Um, uh, you know, folks with mobility seek certain school boundaries, folks without mobility are not able to seek certain school boundaries. Wealthier families can buy in to certain school divisions, less wealthy families don't have that ability. Um, you know, of-, often you see websites uh, that, you know, advertise certain school divisions in certain neighborhoods and, um, it's often a proxy for race and for a, a segregated white neighborhood. So, I think there's a reciprocal relationship there. Um, but yes, I think currently in Virginia our school boundaries are, for the most part, very fixed. They have been fixed since the 1970s um and they are contiguous with our local municipality boundaries and everything that comes with those municipality boundaries in terms of neighborhood makeup, composition, access to resources, and property values and uh, and tax...and I think someone mentioned it in an earlier panel, the relationship between you know school funding and structural racism and lack of resources. I would turn it all over also to Dr. Siegel-Hawley and to Kathy about this because I think that is...um....a lot of their research has looked at the legacy of school division boundaries and ways to, um, break down those barriers and to pursue segregation on a regional level.

Casey: So, um, Genevieve if you didn't feel that lead in, um, I hope, I'm going to re-emphasize it right now. I think that brings into a, a good point because, also in some of these areas we're seeing economic investment. We're seeing new businesses; we're seeing new residential development and all of these pieces that are definitely, um, having their impact upon neighborhoods. How are these shifting...are there shifting demographics that we're seeing as a result from what's happening in community development? Are we seeing that moving into the schools? Or is some of that existing on two parallel tracks?

Siegel-Hawley: Um...all really good points, good questions. I am going to confess to having taken two Benadryl because my Spring allergies are so bad so...I know Kathy already cleaned up my first answer. You know, we're talking about school boundary lines but there's two sets of boundaries that I think really matter. One, are the lines between school divisions, school districts; and then the other ones are the attendance zone boundaries within districts that determine which neighborhoods are assigned to which school, and both really matter. Um, for a long time after the Millikan decision the school district boundary lines, you know, accounted for 80% of all school segregation. Um, and that's where you need the regional solutions, to bring kids across those boundaries into the same schools together. Increasingly, we are seeing, in part, Tara, because of the, uh, metropolitan migrations, as Amy Stuart Wells calls them, uh, the suburbanization of families of color and the

gentrification of, um, urban neighborhoods. In part because of that, we're seeing increases in the amount of school segregation that you can attribute to what's happening within a single school division. So those are, you know, the neighborhood school policies that we've talked about and also any school choice policies. Um, you know, I think, I think the evidence is somewhat new but it's, it's mounting. That just because we're seeing residential neighborhoods becoming more, um, diverse in the city, we're, that does not mean that we're seeing increases in school integration. Um, there was just a recent study that talked about the circular-, uh, circular relationship between school and housing segregation. So that in urban school systems that had rapidly expanded charter schools, um, even with gentrifying neighborhoods, school segregation was increasing because the affluent white families that were moving into the cities were not opting into their neighborhood schools, but they were in fact exiting for charters. And so, I think, I mean I think that's a real cautionary tale and I think we've got to better in terms of how we design policy and, and, and perhaps how we think about framing litigation, too. Um, school choice without civil rights protections like diversity goals, like free transportation, um, you know, like interest-based admissions versus a competitive admissions process like we have for Maggie Walker, or, um, or a admissions process that requires a certain number of parental involvement hours, like Patrick Henry does in the City. Unless we pay really close attention to how we're designing those choice opportunities, we are going to see, uh, an exacerbation of what we're already seeing, which is: declining residential segregation in urban areas and increasing school segregation.

Casey: So, I think that that brings up an interesting point. Especially when we're talking about the, the shifting demographics and we're, we're starting to see what they may or may not be, in effect, in terms of, um, then school demographics. I guess I'm wondering, you know, Kathy if you could speak to this. If, if, you know, fac-, facially neutral laws and policies aren't going to, to bring us to the, the diversity we're seeking, and the shifting residential demographics aren't going to bring us to the diversity we're seeking in our school system, um, what, what will? What could get us there?

Mendes: Yeah, I think Genevieve you just kind of touched on what I would say um in terms of making sure things are um maintaining an equity focus as much as possible, right? Um, but I'm just thinking about one of the major findings from our report was that by, at least our measures, school segregation had um worsened over the past 15 years in Virginia, um in our major metro regions. So that's really recent, right? And it's also important to note that Virginia students are diverse, right, over 50% of our student body are students of color, um, but it's that they don't have access to diverse schools and the host of benefits that come along with it, right, because of all the

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reasons that we've been talking about. And so, this signals that not only do students have to continue to experience the impacts of over centuries of racist housing and education policy in Virginia, um but also that the current policies that shape, um, education aren't working to create meaningfully diverse and well resourced school. And a huge reason that those policies aren't effective is because they don't take into account this massive history that we've been talking about and the modern-day trends. Um, you know, like racially color-blind policies, or facially neutral, or whichever you'd like to call it, interact with the public education system um and residential patterns which have been shaped by racism and impact where students go to school and with whom and what they have access to. And so to combat that, I think it, it needs to be an intentional and actionable policy that has racial equity at its core throughout every single, you know, facet of whatever policy um that you're trying to implement, right? It's also really important to think about the way that housing policy drives education policy and vice versa. Um, so, I think we need to consider, you know, a host of policies like, you know, local and regional, voluntary integration policies that would de-emphasize the power of school boundaries within and across district lines um and that could be equity focused, managed, choice; perhaps. There's like a whole bunch of things that we could talk about. We could also redraw school boundary lines from a local level, with the goal of reducing segregation, but it has to have socio-economic and racial equity as, it, as its guiding principle...um, like with diversity goals, weighted lotteries, etc. to make an impact because we know that these color-blind policies have not gotten us anywhere, um, good. Um, other things that are essential, you know, full fair funding that takes into account student need. We know students who, um, experience poverty and are more likely to go to segregated schools need more resources, period, point blank. Right? Um, and then in terms of housing policy affordable housing development, um, expanding home ownership opportunities for folks who have been historically denied the chance at homeownership, um, through things like increasing state, state down payment assistance, um, inclusionary zoning laws, these could sort of try to get a disrupting the relationship between housing and education segregation. Um, and I wish, also wish Mariah was here because she's really the expert on what kinds of housing policy would disrupt that relationship, but we also consulted her for our report. Um, but, if anyone else would like to jump in here that would be, um, totally great. But, I think the bottom line is that policymakers would do well to remember that colorblind policies aren't going to get us anywhere.

Casey: Well, and there was, and there was, something that you, um, said that that struck with me because, you know, all is this is, where we are today is because of intentional education, racist, intentionally racist education and housing policies from decades ago, you know, it's, if, if the, where we are

today was the intent of those policies and those laws for us to be where we are today and a response has to be just as intentional, um, to what those original policies were, and I, and I think that that's, you know, important to drive home and that's why the color blind or facially neutral policies are ... my understanding is, is they're not as effective is because we're not having that intent to, um, at the, to be, um, the counter, and, and to be the repairer of, um, the, the previously intentional policies. Um, if you know, if, if any program that we talk about now, we have to bring COVID into the conversation as well, especially with our schools, and especially how our schools have been ... affected by it, but then also the intersection with housing policies too and foreclosures and evictions. Um, and Rachael, you know, uh, what happened here locally, but I, I, I imagine this has happened across the state and across the country is that when, when COVID hit ... our public school systems, well, we saw their initial response was for food security, was, in order to maintain food security for their students, which, I think brought to light for many folks who were previously unaware about how much of a social safety net our schools, um, serve in our communities. Um, what I, as we're coming now, a year anniversary to COVID, to school shutting down, how are these education policies, being, you know, what has been possibly achieved up until this point, how are they being affected now by how we're responding to COVID and this past year of, of, of education, um, moving to virtual, or, or disrupted education?

Deane: Yeah, I, I, so, yes, um, uh, particularly, uh, in, in Richmond and Henrico, um, there was, uh, uh, a very rapid mobilization last spring, um, to make sure that all of our, um, all of our public school families had food stability. Um, you know, uh, about three quarters of Richmond's, Richmond public school student population, um, are, uh, qualified as economically disadvantaged according to Virginia Department of Education data. Uh, and Richmond participates in the community eligibility program, so, providing, uh, free school meals for all Richmond public school students. Um, and you know, that's just, that's a basic need that needs to be met before students are able to access the education and to achieve, um, you can't learn on an empty stomach. Um, many families do rely on school programs for food security and nutrition. Um, it's a basic need, the way that adequate and safe housing is a basic need, uh, you can't learn, uh, when you have unstable housing, inadequate housing, when you are homeless, when your family is living all over, uh, when you're facing eviction month after month. Um, so these, you know, food, shelter, emotional safety and physical safety, those are all basic needs we have to meet. Um, and schools do play a large role of them. I, uh, I think that there is also a system of policies aimed at, um, de-emphasizing schools as, as a social safety net, um, and I, I think, you know, we're, we're, I'm glad that Richmond has a community eligibility program for the school

meals, um, but there is absolutely a system of, of policies and forces at play, um, aiming to, um, destroy the concept of schools as actual public goods and as community resources. Um, I think that COVID has, in many ways, been a wake up call to, to many folks, um, even folks who do this work day in and day out, like, like me, um, about just how important it is that our public schools, um, be strong public goods, and, and, and how important it is for us to treat them that way. And so I think, in, in many ways, um, COVID has now presented us with an opportunity for moving forward. We have seen, um, for instance, um, just how important it is to meet every child's social and emotional needs in the classroom. Um, that has just become so clear, uh, in the last year as students have dealt with the trauma of COVID, have dealt with the trauma of walking out of school last March and never walking back into the building again, being disconnected from their friends and their peers and their beloved educators, um, and I think it's been heartening to see many school divisions and the state Department of Education really, um, take that to heart and start to work on plans for increasing social and emotional learning and making sure that every child's social and emotional needs are met in the school building. Um, I think we've had a lot of discussion about community health in the last year. It was a discussion during the last legislative session – the role of schools in public health and how can we use school communities as a bridge, um, between, um, residents and healthcare? Um, there was a push to have a, a nurse in every school building. Obviously, um, those, uh, those needs have become very clear when we're talking about taking temperatures and doing COVID tests and, and things like that everyday. But, um, but just the concept of a nurse in every building or the concept of, of, um, school buildings as community health hubs, I think there's opportunity there. Um, and I think there is also, um, uh, I hope folks have read some of the coverage lately, uh ... this opportunity we have to look at how schools ... um ... post-COVID, well pre-COVID, I should say, um, were not meeting the needs of every child. Um, and what does it mean when some children feel safer doing virtual school, um, versus being in the building where they feel absolutely targeted and surveilled because of their race, for instance? Um, I just, I think we have a real opportunity here, um, to ... um, embrace the value of public education as a public good, uh, and to resource and fund it and support it in that way.

Casey: So, in the, you know, there is then going to be the ... COVID response, or the, you know, as, or, or hopefully soon, the post-COVID, um, response to schools, and I know that one of the concerns is, how is that distributed equally and equitably, which are different, depending upon urban, suburban, or exurban school, school communities. And I, I was just wondering, I, um, I ask this, Genevieve, I have a question for you, because I know that you're, you know, one of your big areas of, of research is examining how

and why equal educational opportunity is distributed so unequally. What do we need to be keeping in mind and within our focus now, as possible federal funding is coming, um, increased state funding is coming, to help our schools in the post-COVID era. How, as, as Rachael was saying, there's an opportunity here. Um, how should we be now approaching that opportunity to, to make sure we do it right?

Siegel-Hawley: Um ... well, I want to talk about private schools for a second, um, because I think if, and again, you know, the data is so very early and, and, incomplete ... but, I think if you, if you, look at how the pandemic is going to impact school segregation, um, you know, one of the, the clearest trends has been that school districts serving higher shares of black and brown students have been the most likely to have a fully virtual, um ... have fully virtual instruction. Um, and, and I'm not weighing in on ... I mean, I think there are very good reasons for that, but it does mean, um, that ... we have to think about catching those students up, once it's safe. And it also has meant that families who have higher feelings of safety because they have benefitted from the racial discrimination that is so endemic to the country, um ... so, the white and affluent families have been more likely to push for in-person instruction, when that hasn't happened, um, I think we've seen preliminary trends of white and affluent exit from virtual public systems into private schools. Um, which, you know, regardless of the intent of the family, um, is going to have an impact of increasing segregation. The massive COVID relief bill that just got passed is actually going to direct two billion dollars to private schools at the discretion of governors. Um ... which, I, I think we need to pay attention to. There are also many opportunities in that funding, um, to bring ... and, and it's a, it's maybe a once in a lifetime federal commitment to public education, so I know school districts are going to be thinking carefully about how to use it. But, we have an opportunity to put a lot of that money into our school facilities. Um, to upgrade in terms of air quality, but also to pay attention to the decades of neglect that is, you know, is part and parcel of segregated educational systems. Um, there are also some opportunities for community schools that Rachael was just talking about. The idea that you wrap around supports using the school at, at the center. I do think that this bill was a missed opportunity to incentivize integration. Um, I don't, I don't see that in there, although, you know, the money around tutoring or before and after school programs, we could think creatively about how to get kids um, from different racial, ethnic, and economic backgrounds together in those less formal spaces that um, you know, provide opportunities for friendships across lines of difference.

Casey: Thank you so much, and we're coming toward the end of the program. I do want to give folks in the audience the opportunity to ask questions. I

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always have questions and when we were preparing for this panel, I told my, um, my colleagues that we could probably just have a two-hour Red Table Talk on all of this, um, because it is just so much to unpack and it's fascinating to hear everyone's perspectives. But to go a little further on Genevieve, on what you were saying um, Kathy I, you know, in our conversations you know we, we shared that it's important to put on the record that the history of the work done by black leaders um, throughout history, in spite of all of these policies and laws and obstacles, to secure education for all students just is tremendous and that has to be um, recognized and respected and these opportunities that may be coming to effectuate meaningful change. Do you see this as ones that are coming um, that we see them on a national level, on a state level, or is it really going to be local community to community where the um, change is going to be needed in order to be sustained? Is it national policies and laws, statewide? Or are we, we really going to be, is it neighborhoods, is it these boundaries that we keep talking about?

Mendes: Uh, well I think there's opportunity at all levels, I think, to, um, implement policy that's going to make some, you know, meaningful change in the, the racial isolation of our schools across the country, right? And I know our report, um, took a real deep dive into the history of Virginia in particular because we're focused on Virginia state policy, but um, you know, a lot of the fights that were happening against segregated schooling was happening all across the country um, and I think, you know, today there's plenty of opportunity for that to happen um, on every level, whether that's, you know, thinking about school attendance boundaries on the local level or what we can do on the state level to incentivize localities to integrate. Um, my understanding, I don't have as great an understanding of the, on the federal level, but my understanding is as a result of a lot of constitutional rulings that have happened or cases that have happened, there's a little bit less opportunity to do things on the federal level. Um, especially in terms of um, school funding which is, um, is part of this, um, which is kind of resulted in, you know, kind of a patchwork of things happening on the state level um, especially in terms of um, school funding litigation. Um, but I don't see why there can't be things happening on, um, every single level of um, government, I mean in terms of things that Virginia could be doing, um, you know one way we were thinking about incentivizing um, localities to further integrate their schools was incorporating uh, a measure of diversity in the process of school accreditation. So our thought there was um, if diverse schools are necessary for a high quality education, which we make the case for in our report and is definitely the case that diverse schools are good um, then it should be a measure of school quality and it should be part of what we think about when we think about what a good, quality school looks like, right? Um, so you know, that's just one sort of way we were thinking about how to do this. Um,

but...yeah I think there's a sort of positive feedback loop that happens when we start working earnestly on these issues at every level, right? If more equitable housing policies are instituted, um our schools become more diverse as a result, then that takes away some power from, you know, like families who can move all across the county and know they can access a good diverse, school. Um, uh, yep, I think we should it on every level and I don't know if anyone else has anything to add there.

Casey: Here, there, and everywhere (laughs).

Siegel-Hawley: I'm struck by something you said earlier, Kathy, about, around the intentionality and the need for you know, um be-, because segregation has been so intent-, intentional, the need for the reverse. We've been looking at the school rezoning criteria that local school boards use when they're rezoning and I know Kathy and Rachael you both were probably paying close attention to the rezoning battles in Richmond um, in the fall of 2019. But, but as an example of how policy shapes these processes. The criteria, you know, the most common criteria, there's five or six, they're in the majority of Virginia School Boards policy manuals, they're all across the country and it's around things like, you know, adhering to natural boundaries like rivers and major roads. Well, if you don't have an understanding of the history of this country, then you don't understand that segregation relied on those kinds of things um, as a tool for division. You know the Anacostia River in DC is an example or the downtown expressway slicing through a historically black neighborhood. You know if, if you're going to use those things to guide how you draw the boundaries then you're going to reinforce segregation. They also have things like, you know, prioritizing getting kids to schools closest to their homes. Well, that's going to reflect neighborhood segregation. Sometimes they include diversity, but it's often a vague statement like reducing concentrations of poverty. Um, and there's no, there's no guidance around what's the most important thing. You know, all of those things can be in conflict, school and close to home, diverse schools, um, adhering to natural boundaries. So, if we want to make integration a priority, then it has to be a priority in policy and law. It should be the most important thing that school boards are working towards. It's just one example of how, how we can think differently about policy.

Casey: Well thank you all so much. I think we're actually out of time right now. Um, I'm, I'm so grateful that we've had this time together to share in this conversation, and, and really it's lots of questions that are still to be answered, but we have some, some str-, strong advocates and some just amazingly smart people who are in our communities working on this. So, you know I asked all the panelists if there were takeaways they wanted to make sure people had. I forgot to include my own. Here's my takeaway, is, support

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your local school advocate, because they're the ones who are in the trenches doing such hard, good intentional work out there, so that's going to be my takeaway. Thank you to all the panelists again. Thank you to, uh, the Public Interest Law Review for today's symposium, and please stay tuned because Rodney Robinson, 2019 Teacher of the Year, will be coming up to speak in just a little bit. But thank you all so much for joining us today.

Falahatpour: Thank you so much to our lovely panelists and Ms. Casey for moderating. Um, thank you so much for the informative discussion about the many common themes that are emphasized in modern-day segregation in both Virginia schooling and housing, and especially the importance of intentional change. Um, first, segregation begets segregation, as was emphasized. Current residential housing segregation and local school division boundaries continue to be key drivers of segregation in schools. Additionally, how adequate housing is directly an educational equity issue, how our students in unstable and inadequate housing, students, that are homeless or that are facing eviction cannot fully access educational opportunities. And lastly, um, for touching on the current state of COVID, and how it has presented us with yet another opportunity to address the importance of social and emotional well-being, as well as learning of youth in our community during this pandemic. So, thank you again, and we're going to take one last final break for a few minutes and then we're going to return for our last speaker at 2:30, so we'll see you then.

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MY EXPERIENCE FIGHTING THE SCHOOL-TO-PRISON
PIPELINE

Rodney Robinson

INTRODUCTION

Nabugero: Good afternoon, everyone. How is everyone doing today? So my name is Toviya Nabugero. I am secretary for BLSA and I'm also a staff member um, on the PILR journal. And today, myself and Brianne, who I will let introduce herself, will be introducing Mr. Rodney Robinson.

Donovan: And as Toviya said, my name is Brianne Donovan and I'm the Social Media and Blog Editor of PILR and Mr. Robinson has so many qualifications it's going to take two of us to read all of them.

Nabugero: Yes, so I will go ahead and thank you Mr. Robinson for joining us. It's such an honor to be able to introduce you. So, today our final speaker is Mr. Robinson. He is a 19-year teaching veteran and has been described as a fierce fighter for equity, a proponent of abolitionist teaching, and an all-around force to be reckon with. From 2019 National Teacher of the Year, to his newest role as a senior advisor for Richmond Public Schools, Rodney Robinson is on a mission to develop a male teachers of color initiative and establish partnerships with organizations that will help with recruiting and supporting male teachers of color. Rodney began teaching to honor his mother, who struggled to receive an education after being denied an education as a child due to segregation and poverty in rural Virginia. In 2015, Mr. Robinson started teaching at Virgie Binford Education Center, the school inside the Richmond Juvenile Detention Center, in an effort to better understand the school to prison pipeline.

Donovan: Mr. Robinson uses the whole child approach to education to help students who are most vulnerable. His classroom is a collaborative partnership between himself and his students, and is anchored in him providing a civic centered education that promotes social, emotional growth. Mr. Robinson uses the knowledge he has gained from his students to develop alternative programs to prevent students from entering the school to prison pipeline. Mr. Robinson has been published three times by Yale University and has received numerous awards for his accomplishments, in and out of the classroom, most notably the REB Award for Teaching Excellence. He has also worked with Pulitzer award winning author James Foreman on developing child-, developing curriculum units on race, class and punishment as a part of the Yale Teachers Institute. Today, Mr. Robinson will analyze the historical, social, economic and political reasons why students are pushed out of the school into the prison industrial complex. He will also examine ways in which educators, citizens, and politicians can intervene to dismantle the school to prison pipeline. Please join me in welcoming Mr. Rodney Robinson.

MY EXPERIENCE FIGHTING THE SCHOOL-TO-PRISON PIPELINE

Robinson: Thank you, thank you. It's a pleasure to be here today. Share my...share my powerpoint. Alright, you can see this correct? Alright, just double checking. Good afternoon. My name is Rodney Robinson, I'm the 2019 National Teacher of the Year. It's just...national teacher of the year's a weird award because they tell you, hey, you're the best teacher in the country. Now, leave your classroom and go around the country like Miss America for an entire year. And talk about education. And so it's this really, really weird thing because you're a classroom teacher one minute and then you're on this world wind tour talking about education and as an educator it's weird because people are actually listening. You know, far too often in education I don't think we value teacher voice enough, but with this role, everything you matter says, everything you says matters, and good and bad. I've said some things throughout, throughout the year that's gotten some attention, but in the end, I'm gonna advocate for my kids and push for a culturally relevant education and to better education across America. Um, social media is real simple I'm @RodRobinsonRVA on every platform. Twitter, Facebook, Instagram, Tik-Tok. My website is rodrobinsonrva.com where you can read some blogs and just find out more about me, my platform, and what I stand for.

More importantly since you don't have time for that today, let me tell you a little bit about who I am and these pictures all represent Rodney Robinson. You know, start off as a little boy up at the top growing up in King William County, Virginia. King William is a rural school district about, uh, about 30 minutes, 35 minutes outside of Richmond. Um, had a very unique experience growing up in King William County. It's one of those counties that when I grew up, it was about 60% white, 40% black. Now it's about 75% white, and 25% black. And when people ask me, how does it? What happened? And I blame me. I blame people like me. When we went off to college, black students when we went off to college, the vast majority of them never moved back... because we saw the cultural inequities that existed once we left the County. And so it's just really hard to go back because you're going to be constantly fighting for your place at the table, and so it was just a unique experience growing up. However, I'm so thankful that my best teacher is the lady up at the top. That's my mother, Sylvia Robinson. As the intro said, she was denied an education due to segregation and poverty. However, she didn't let that stop her. She believed in community and she ran an in home daycare, taking care of the majority of kids in our neighborhood with little or no money. And so 'cause she said, it was your job to take care of the next generation, even to the point where I remember days she would be like "Rodney jump on your bike and go check on Mr. Johnson. Make sure he got enough wood to survive the night," you know, tell my other brothers to ride up to the

ride their bikes up the road to check on Miss Smith, you know, just a sense of community she had. And so she was always the best teacher I had, and she always taught me lessons of equity because even when those other kids went home, I had a sister who had cerebral palsy, and so my mother would often tell. She said, look, I don't love you any less than your sister. She just requires more of my time. And so those are the lessons I learned growing up in that household. And then, of course, there's my father. You know, my father is, just taught me what it meant to be a strong black man, to work, to take care of family, to take care of your community. You know, he pushed me. Often without letting me know that he pushed me, but he often pushed me to be my best and he taught me those life lessons. And my parents were married. They were together. There's two different pictures right here because to know my mom knows that she didn't like the picture, what she had on in the picture of me and with me and my dad in my graduation cap. So she made sure that I cropped her out of that picture and she like that picture that was taken after my father passed. And so when your mama's boy, you gotta listen to Mama and put the picture she wants but you know she is in that picture with me and my dad. That's when I got my Masters degree from that other school down the road that we not gonna mention 'cause I'm speaking at U of R today, but, um, growing up in King William County, only two black males in the school system. The first is the guy at the bottom left that was Calvin Storel. He was my band teacher. He was my role model. My mentor. He helped me deal with growing up in a school division that didn't care about your culture. He helped me discover who I am. He took me places, did all sorts of things, and then the guy in the middle of the top, that was our assistant principal my senior year, Dr. Wayne Lewis. He was hired because. Let's face it, the school had lost a discrimination lawsuit. And so they said, let's bring in a African American principal, assistant principal, not principal, to help quell the lawsuit. But Doctor Lewis was more than just a principal to me. He was principal to everybody, you know to the part where at our class reunion we couldn't remember the name of our white principal. Black and white. But everybody remember Dr. Lewis because he just made an impact on me and today, you know it's a real impact when it comes to today's subject. The school to prison pipeline. 'Cause I remember when I was a senior in high school, I come down with this little disease called senioritis and I wasn't really feeling Spanish class one day. And the teacher says something to me I perceived to be racial and so I turned over there, said a few words that you know I'm not gonna say. And when I got sent to his office I was like I could get kicked out of school for this because the Code of Conduct says destroying property is, is, you know, expulsion possibly. Yes, but when I went there, Dr. Lewis talked to me and he brought up college. He talked to me about Virginia State, how it changed him from a confused young man to a confident, you know, adult,

and so he recommended I go to Virginia State. But then he made the decision that changed my life. He didn't suspend me, he just gave me 5 days of in-school suspension. You know, because what I did was wrong. And then he came, and he helped me with the application. He showed me how to get into Virginia State University and that University changed my life because it gave me the confidence to become a strong teacher. And I taught for 20 years, you know, twenty...one years in the City of Richmond. First fifteen, of course I started off my first job was at Lucille Brown Middle School. And if anybody out here is thinking about going into middle school education. I just want you to know that there's a special place in heaven for you, if you decide to teach middle school, but then I went to George Wythe and spent 12 years at Armstrong. But after 15 years. I was starting to become burned out and I remember I got a phone call from a friend, you know, who just got a new principalship down at Virgie Binford Education Center. And I was like, where was Virgie Binford? I've never even heard of anything like that. And so she said it's down here in the jail. And so I was like hmm. This sounds like an opportunity. But at first I wasn't sure. But then I remember in 2015, that's when the first comprehensive report came out on the school to prison pipeline. And it said that Virginia was the number one state in referring students to juvenile detention, or to law enforcement. And so to me it was, that was sort of a sign saying I could read books about the school to prison pipeline, but the big thing is to just go in, learn from the students. How did you end up here? And I didn't think it would change my life the way it did. Going down the bridge in Binford and seeing those students, seeing the, the situation and seeing jail. I don't like, I don't like jail. I don't think students should be locked up, but going down there to help understand, help me understand how did you get here, but also it was an opportunity to realize...in juvenile detention there's a - we had this brief, brief moment where we, we controlled it. We can either put our children on the path to success. Or continue them along this road. That eventually is gonna end up in adult jail. And so I, we took it as a challenge and so we decided we weren't gonna focus on, you know, just plain old school testing all that, we're going to focus on the core aspects of learning. We're going to focus on the basic needs of our kids, their social, emotional needs to believe in themselves. And then we could focus on their academic needs to make sure that they could be everything that they wanted to be. Because reality it, boils down to one simple thing a student does not care how much you know until they know how much you care. But in the sense in educational terms, is Maslow's hierarchy of needs is more important than Bloom's taxonomy of learning will ever be, and that's what you always have to remember in the classroom. Is that if the basic needs of your students, those needs of safety, love, belonging, aren't met then no learning will take place. And so it's really important to understand that, so we transformed our, our

environment and we went from being the school shut down in 2011 to by the end of 2017 being one of the top detention facilities in the state of Virginia. Because we realize the importance that our kids have been funneled into a system. And it's our job to either put, to put a stop to this and so that they don't end up on the next level.

And so the school to prison pipeline. I remember when I first started teaching, you know, and I first started seeing things about school to prison pipeline. I didn't believe in it. I'll be honest, I did not believe in it. I felt that in America we criminalize being poor. And I still believe that to this day, but I think that this was schools are just the result of that, you know, the poorest kids and the poor schools. Those are the ones that end up in prison. But then I remember when I made the transition from Armstrong High School to the juvenile detention center. I remember my last year at Armstrong, I had a group of kids who I'd, who had failed my class because they didn't come to class. They were rarely involved, just a lot of things. And I remember the first day at the juvenile detention center. My first class comes in and this is those same, same, those kids I'd just failed. And so to me, that was a wake up call. I failed you. Now you're in jail. You know there has to be a direct correlation, so I start examining my pedagogical practices. Things such as Rudiment, attendance policies, grading policies, everything that I had, because I knew they weren't dumb kids, they could pass easily but there were other factors and things that were keeping them out of class and keeping them away that caused them to fail. And when you fail, you end up in jail. That is the consequence.

But then I thought it there's an even bigger consequence, you know, it's not a school to prison pipeline it's really the school to cemetery pipeline. Let's be honest, it really is a school to cemetery pipeline. I remember this report came out in 2017 and I think it won a couple awards for, you know, for the Richmond Times Dispatch but the sad part was, you know you can Google this article and go back and read it, I knew every single kid in that story. Every single kid because they had had some sort of contact with the juvenile detention center at some point or they had been in contact with probation or they have been in contact with criminal system and so I knew all of those kids. So to me it wasn't about a school to prison pipeline, it's a school to cemetery pipeline because if you're failing these kids and they're not graduating and they're ending up in such horrible conditions then eventually they will end up a victim of street violence. And so, that's why, that's why this is important to me and it's really personal because remember that kid I told you, you know, ended up, that I failed that ended up in my class, he was one of the kids that was murdered. And so every day I take that memory to me, with me, is like what I do is life or death. We have to put a stop to this here at the detention center and we have to start reexamining everything about this.

And so a typical history teacher person-mode, I'm a history teacher gotta love it, I just got I had to go back I'm like how did we get here how do we end up in this position. And so I had to go back and I have to study the history of incarceration in our country. America by far locks up more people than any other country in the world and I think it's funny how politicians often look down on these autocratic regimes and these horrible regimes across the world but in reality nobody treats people worse or locks people up at a higher rate than the United States. And so it's really we need to start examining that. So how did we end up in this situation? Well it goes back to colonial times. Early America. And, if you think about it what was the first form of punishment in early America? The first form of punishment was banishment. If you did something in the colonies, your punishment was you were banned, you had to go, leave to go to another colony, and that was essentially the number one punishment. Now of course they had the death penalty if you did something that they felt you know was of that nature, but the number one punishment was banishment. You're out of the colony. And so as America grew and became more interconnected you know we began to start experimenting with the prison system. You know the Quakers were the first ones to experiment with prison and the prison was a rather unique situation where people work in isolation and the only book that they were allowed was the Bible because they had to repent for their sins, they had to come to terms with what they did. And it's the same thing, same as solitary confinement that, that we have today. The only time they associated with other prisoners was when they were out, when they were doing work duties, etcetera. And then you get back to early policing and the early police force was simply slave catchers, you know simply slave catchers. Officers could deputize other people mainly to catch runaway slaves or to enforce you know colonial rule or slaves. And so early policing, early criminal, it really has this kind of, you know it's born out of racism. You know in a matter of fact even in, in um, penitentiary and, um, the Quakers in the penitentiary one of their first quotes was that one of their first inmates was a mulatto male. And so we're starting to see that early in our system that Black and Brown people are being disproportionately targeted.

And so this existed up to the civil war you know as cities grew, police systems grew, but it was still that whole deputizing those when necessary. And so then after reconstruction, we saw something different. There was a different need in America, because for one thing in America, we had just freed an entire labor force. And so how do we keep that labor force? Well, there's prison. And so, if you look at the 13th Amendment, it tells you, uh, slavery is abolished except as a form of punishment or death and so that that clause was used to, to imprison tons and tons of people, mainly black men. And from once they had you in jail we can then start our convict leasing system where

we can rent you out to various companies to do the labor whether it be a farm or in the industrial South as we began to start, you know, building big cities in the South, they started working industrial jobs. And so the whole system of convict leasing, I think in Alabama the systems were worth \$4 billion a year in today's money. And so that was that need for labor so all the legal system was about criminalizing black men from the pig laws that made, you know, stealing a pig a felony. But here's the thing, you are not allowed to testify in court. So you could be accused of anything and you're not allowed to defend yourself and now you go to jail where you can be rented out for labor. And you know and these sorts of things existed, vagrancy laws where if you weren't employed you could go to jail and when you get to jail you were leased out. And then there's just a plain old intimidation, you know the KKK. And so it was a constantly, a system designed to keep down black men.

And then of course at the turn of the century you had your first juvenile prisons. You know and this, this has unique racial history when you talk about juvenile prisons because early, early science knew that the juvenile mind is different from the adult mind and so we have to look at their crimes as products of their youth and give them chances to grow. But in reality, this only applied to immigrants, you know, when you look at the first juvenile prisons they appeared in New York, Chicago, cities that had heavy immigrant populations because they wanted to reform those people. This didn't, it didn't exist in the South because you had black males as young as 14 years old you know sitting on, sitting on chain crews, hard labor, and so the first juvenile prisons in the sense were not built for black men because we criminalize them, they're different. And so juvenile prisons were built to sort of rehabilitate the newly immigrant population who was white in skin just like the rest of America. And so, there was a racial element in the first juvenile prisons built in America as well. And those prisons I think from about 1900, up until the 1950s and 60s, the prison population stayed around 100,000 to 200,000. And as a, as the century progressed, you saw the elimination of convict leasing and those other things that significantly targeted Blacks in the South. But then of course, there was a skyrocket in other populations, other prison populations, 1970s, 80s, 90s, 2000s. You know, and if I was in, we were in-person, I would ask anybody what was the cause of this and anybody and if anybody knows criminology in America you would know it's the War on Drugs.

The war on drugs was used, started, by President Nixon as...a tool to eliminate unrest in America. Where was the unrest coming from? Civil rights, the antiwar movement. He saw it as social movements that needed to be controlled. And so that, so what can you do? I can criminalize drugs and if you go check the records there's, there are tapes of Nixon and his advisers talking about the war on drugs was started as a way to quell dissent in America. And

then once Nixon got it going, there was the doubling down on the war drugs by Ronald Reagan. You know, you know Killer Mike, who's a social commentary he's, uh, a political leader now, he has a song called Reagan. In which he talks about some of the horrible things Reagan did, defunding urban communities, the influx of crack cocaine, other drugs, but instead of giving these communities help you gave these communities more policing. And so now you're increasing the criminal aspect of America. And then of course this is a bipartisan thing, this is not just the Republican issue. The biggest thing of course was the 1994 Crime Bill, passed by Bill Clinton. You know and this basically was, it gave the criminal justice system that that it's like it put it on steroids. It was already getting bigger, but the Crime Bill is just that steroid to just blow it up. And so, 8 billion dollars for prisons, another 8 billion for policing. You know 7 billion for quote, unquote prevention programs, you know also illegal immigration, expansion of the death penalty. It really criminalized, one of the big things about this, the three strikes and you're out. And so, those roots, specifically targeted black communities. And even in Virginia, Virginia saw you know, expansion, an expansion of different ideas. There was the elimination of parole under George Allen. You know there was dropping the minimum age of juveniles to 14 years old, to where they could be charged as adults. There was the building of 6 new juvenile detention facilities around Virginia. And so then of course there was this magical, magical moment:

Video – Hillary Clinton: But we also have to have an organized effort against gangs. Just as in a previous generation, we had an organized effort against the mob. We need to take these people on they are often connected to big drug cartels, they are not just gangs of kids anymore. They are often the kinds of kids that are called super predators. No conscience, no empathy. We can talk about why they ended up that way, but first we have to bring them to heel and the President has asked the FBI to launch a very concerted effort against gangs everywhere.

Robinson: The infamous superpredator comment. And the fact that she kept saying these, these people. Whenever you're using that sort of language, you are dehumanizing people so that you can commit atrocities against them. And this was the language used when we started the Safe Schools Act where we're now seeing the, the, the intertwining of the criminal justice system and the school system. Where in 1994 the Safe, and excuse me, Safe school Act, basically tied federal funding to laws that criminalize things in school. And it made it so that schools started criminally processing things that should have been handled by school, by, I would say, principal administrators. And so we also saw the rise of zero tolerance policies. Zero tolerance. You know, you got a gun, zero tolerance, you got this, zero tolerance. But zero tolerance policies also involved gang violence, dress-dress codes, assault. It took away the discretion of principals and school administrators and put it into the hands of

law enforcements. There were a lot of things that principals had no choice, you immediately had to refer these actions to the juvenile court system and criminal charges, or you... put your school in danger of losing funds. And the reality is crime has gone down since 1990. But here we are adding more and more zero tolerance program... policies. And then of course you know the Columbine shooting, which really skyrocketed zero tolerance policies, and all these policies which were pretending to keep schools safe only further criminalize black and brown students.

So why do suspensions matter? Plain and simple. If you're not in school, you don't learn. You don't learn, you don't graduate. It's that simple. A student with three or more suspensions by his or her sophomore year, is five times more likely to drop out of school. And so students who do not finish schools are eight times more likely to go to prison. And so there's a direct link when we're suspending kids, when we're putting kids out of school, that's a part of the school to prison pipeline because we're lessening their chance that they graduate and increasing their chance that they become involved in criminal activity. You know, one think I always say is like, if you suspend the kid, all you're doing is putting them back into the environment where they learned the bad behavior that got them suspended. And so we really must start re-thinking suspensions. And in America, a student is suspended 1.5 seconds, 3.3 million are suspended every year. And here's the big thing. Ninety-five percent of out of school suspensions were for nonviolent disruptions, such as tardiness or disrespect. Ninety-five percent tardiness or dis...that means we're allowing anything to be a be a – to be, uh, an offense that you could be suspended. And then once we get into the entire racial aspect, we know who's gonna face that because you come up with biases. You know, the American Psych-, um, Psychological Association released a report this year that talked about how the racial lies, I don't know, they use far too many smart words when they do these studies, but basically, the study said that white teachers often misinterpret the actions and facial expressions of black and brown students. And that leads to disrespect, which leads them to being put out of school, which further fuels the school to prison pipeline.

And so we've also criminalized normal adolescent behavior. There's no longer pushing or shoving. You know, it's now battery, it's assault. Swiping headphones is now theft and robbery. Talking back is disorderly conduct. You know, show me a teenager that does not talk back. They don't exist. Trust me, I've been working with them for 20-plus years. They don't...that doesn't exist. But, we just, instead of saying this is teenage behavior, normal adolescent behavior, we have criminalized this with the disorderly conduct standard. And so what does the data tell us? Virginia, I tell you that earlier again. Virginia was number one in the country, referring students, 16 referrals

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for every thousand students, the nationwide average was 6 students for every, 6 referrals for every thou-, thousand pupils. Massachusetts, Ohio, Nevada, and Washington, D.C., had the lowest at 2 students per thousand. And number two was Florida. And I don't have to say, if you're technically worse than Florida in most situations, that's not really a good thing to be, you know (laughs). And then you know, I'm not picking on anybody, but Chesterfield County. Their data stood out. Plain and simple. Thirty-five hundred complaints to law enforcement between 2001 and 2014. Half were for assault, more than half were black students who only make up twenty-six percent of the student population. Now almost half the students were under the age of fourteen. Twenty-seven kids under the age of 10 were accused of assault. Ten year olds, elementary school, playground fight, has now – has now been listed assault charges. We're charging kids for making bomb threats, just normal, silly, adolescent behavior that can be handled by the school, we've criminalized. To put that in context with Chesterfield. You know, one little school, I'll say it, Falling Creek Middle School had a rate of 228 kids per thousand students. That's 39 times the average...the national average. And then one year they had fifteen hundred complaints. New York City had twenty-five hundred the same year. And they have 16 times the students as Chesterfield County. This is why Virginia was number one. It's because we are, we're really not doing a good job of helping our students deal with their issues.

We talked about it earlier, the racial disparities. One in three. And that's a big number. For every one white student who receives an out of school suspension, three black students. You know. And also one in three says one in three black men will be involved in the criminal justice during their lifetime. You know, those two numbers are similar for a reason. You know, again, if you get into black girls, you're talking about five times, ten times the rate in certain areas of white girls. And so those are the ethnic disparities that take place. And this map. This is a map of Virginia I got from the VDOE. You know. Let me explain it. The areas in dark blue are the areas that had the highest disproportionality of suspension rates between white kids and black kids. You know. And...look at that whole map, that whole map is blue. So that means almost anywhere in the state of Virginia there is a disproportionality between the suspension rates of white students and black students. And we know...and I've said it over and over again. You know suspensions equals contact with the criminal justice system in some way, shape, or form. The only states, the light light colors, that meant there are too few black students for them to analyze the data. And so what? And then to unpack that data even more, you know, higher overall suspension rates existed in schools that had a lower percentage of black students. So that means the lower the percent of black students you have, the higher the chance they will be suspended. You know, one of my jobs now is recruiting teachers of color, simply because not

only do all students benefit from teachers of color, but we know that it has a distinct effect on the suspension rates of black students and white students, when you have teachers of color. And so we really, really need to start looking at how we, how we meet the staffing needs of our students. Are they, are, does our staff look like our students? You know. We really need to start looking at that when we want to unpack this. [Background Video Noise]. Go back for a minute, I would just want to give you a preview of what I should normally. Let me set this video up. This is a video from a school last week. And what you're going to see in this video is a white student attacking a Muslim student. Bullying. But then a black girl comes to the defense of the Muslim student, of the Muslim student. Note the change in attitudes once the black girl gets involved.

Video: [Inaudible Background Video Noise]. Hey. Stop. [Inaudible] Stop. Stop. [Inaudible].

Robinson: That video is very disturbing. Not only just because of the violence, but because of the racial overtones that is said about what is discipline in our schools. You know, and the danger being a student of color. For example, we saw the, the student beating up the Muslim girl, and there was laughter. You know, the Muslim students don't feel safe in the school. But more importantly, no one came to their defense. There was laughter, kids were having a good time. But the minute the black girl came in to defend her, there was a gasp. Everyone was [gasp] Oh my gosh. No, stop it. Magically, the teacher who was standing right there stepped in to stop it. Once the black girl started coming in. So we really need to start examining our biases and what we perceive as right or wrong in schools, because schools are not safe places for students of color. And if you examine that, guess which student would probably get suspended. No, not the one at the end who got up and stood up. The one that was dragged away by the teacher because she was committing the horrible act. Never mind the fact the act was done, transgressions was started by the young white lady. And so our schools are not safe places for students of color. And then once you add in the next thing, which are school resource officers. Let's be honest, we know the relationship between African-Americans and police is not good. You know, and school resource officers, is a fancy, fancy term for police officers in school. All you have to do is take a 40 hour course to become a school resource officer. And so... What you're getting is people who are not trained in dealing with human developed, human brain development. They don't understand how adolescence leads to sort of behaviors, peer pressure, and those sorts of things. They had no training in dealing with students with emotional or physical disabilities. They are police officers. So they are bringing in tools of violence to stop things in schools. And so when you introduce policing into this over-

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disciplining of children in school, especially black students, you get situations like this.

Video: This next video may be a little bit disturbing to some. Orange County officials say a school officer was justified in tasing a student. According to law enforcement, it happened after the deputy tried to break up a fight between two students and a fifteen year old girl became aggressive toward him. Well, this is the second situation between an SRO and a student of color in central Florida this week. On Tuesday, a video in Osceola County surfaced of a deputy body slamming a teenage girl. A Florida deputy is under investigation after a video went viral of him body slamming a female high school student. She appeared to be unconscious after her head hit the concrete. She was unhandcuffed by a second officer while lying motionless on the ground.

Robinson: This was last week, two weeks ago, sorry, two weeks ago, both of these incidents happened. And we know when you put in, police into schools, you get a police officer accidentally firing a gun in the middle school, using stun guns and other weapons of violence on students, police officers assaulting students, and then, I have...seems like I'm picking on Chesterfield, but I'm not, but they had a school resource officer a couple years ago who was outed, outed as a white supremacist. He works in school and one of the most diverse schools in Chesterfield County, he was outed as a white supremacist. And so you're, and...now you're taking this over-discipline of students, and you're adding in police culture, which we know disproportionately affects Black and Brown students.

And so, the reason school resource officer surveys say their primary role at school is enforcing laws, not code of conduct. Not helping students. Enforcing laws. You know, 17% says mentoring, 7% enforcing discipline, 90% says for active shooter trainings, you know, three quarters said they receive training and working with you. Oh, that's good. 75% of them, you know, and that's 75% say, oh, we're gonna work with you. Let's get you some training. No, three quarters said if you need some help, some training in mental health services, but less than 40% is trained in childhood trauma, or how the adolescent brain works. Now I'm a teacher, I know, we had to take two semesters of courses on human growth and brain development before we were able to step into a school to understand the adolescent brain and how that influences behavior. But now we're giving untrained police officers rights to terr... to terrorize our young students. And of course, there's 60% of time spent in hallways, 50% monitoring social media. But in the end, when you add police officers, you're adding weapons of destruction to a situation that doesn't require, you know, police officers are only equipped with tools of violence to stop violence. And so when you add them in with schools, when you add them in with the racial climate of how they treat black students, when you add that in with the poverty, the socio-economic terms, you're not gonna get

a good situation. And so, schools have become places of trauma for our students. When I talk to my students at Virgie Binford, and I asked them “where was their first charge?” 90% of them said it was at school- a regular ole resisting arrest, disorderly conduct charge.

So what is disorderly conduct? Anything is disorderly conduct. Anything. I could walk down the hall and say, “Hey, what's up?” To a friend. Oop I'm loud, I caused a disturbance. That's disorderly conduct charge. I could have my cell phone out recording something and say put it away. I don't. That's disorderly conduct. So, we're criminalizing what it is to be a teenager. That's what we're doing. We're criminalizing being a teenager, and we're overly criminalizing black and brown teenagers. So, how do we end the school to prison pipeline? *Coughs*. Excuse me. Simple. We need more teachers, more diverse teachers. You know, uh, the Virginia teacher workforce is 82% white, while the students in Virginia are 40%, umm non-, excuse me, 50% students of color. And we talked about earlier how you had those cultural misunderstandings that get interpreted as disrespect which leads to suspensions, which leads to over disciplining of black students. And we know Dr. Constance Lindsay released a survey...teacher, teacher diversity, black students who get one black [teacher] are 39% less likely to drop out. When you graduate high school, you're less likely to go to jail, you know, 19% more likely to go to college. Also even a VDOE aside from Constance Lindsay's survey said for every school that increased their teacher diversity by 1%, they saw suspensions decrease by half percent at the school, not just for black students, but for white students.

So, when we diversify our teacher pipeline, we are making our schools not only safer for black students but safer for white students. Also, teachers, we have to unpack our biases, we need to change our mindset of how we viewing our students, we need to be proactive rather than reactive when it comes to discipline. Rather, allow places for healing, places for students to express themselves, rather than viewing it as disrespect. Rather than viewing it as some sort of transgressions. We need to be reactive, we need to add more things to our arsenal. And then we need to understand how your privilege affects your view of your students. In other words, check your bias, check your bias at the door. You know, I think far too few teacher colleges, have teachers unpack their bias, unpack their privilege, how it affects your pedagogy, and how it truly affects your school discipline. You know a recent survey said 62% of teachers who graduated from teacher colleges said they were unprepared to teach in urban settings. We know who urban settings mean, we know that means black students. And so, I think we as teachers need to start unpacking who we are and what we believe and how that influences our students. Of course, we have alternative discipline plans, I run in a little bit

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because I'm getting...I'm running out of time, alternative discipline plans.

Of course, we know restorative justice works. We know restorative justice works. We need to stop suspending kids. I'm a firm believer in...no need for exclusionary discipline, because when you put kids out of school, you're not teaching them anything. You know, I can break up a fight and suspend you. But if you come back five days later, and never got to the root issue of why you're fighting, then I've done nothing but delay another fight. So, we need to start some restorative justice, some community conferences, some community service, positive behavior intervention support. So PBIS where we reward students for good behavior, teaching our students conflict resolution skills, mindfulness. I mean, mindfulness, I mean, I'm...I'm just starting to get into this in the last year, and it's blowing my mind. You know, and I've seen it work. I remember at Woodville, they started a mindfulness, Woodville elementary, which is in the East End, they started a mindfulness room, immediately saw the suspensions cut almost in half. Teaching students how to center themselves, how to be in themselves. And so we're not putting them out of school, increasing the likelihood that they will come in contact with the criminal system.

I'm gonna say proper training of SROs. I mean, I'm an abolitionist. And I believe SROs don't need to be in school whatsoever. But I do know that there are some legal issues with that, like, some states and some counties, and some towns have laws requiring SROs in schools. So let's increase the training. You know, let's teach them more adolescent brain development. Let's show them how to deal with students with...umm... emotional disabilities. And they create a memorandum of understanding as a...as a parent, the one thing you can do is create a memorandum of understanding. Force your school board to say, this is what you can do and cannot do at our school...excuse me. Meaning, a memorandum of understanding that says police officers can arrest students at school. That's what an MOU says. Your job is to watch out for school shooters. (Coughs) I know one county where they had a law that said police officers had to be on school grounds. But what the, uh, town chief did was he parked the school police officer outside by the students and says stay here all day, your job is not to handle discipline, not to be in the school. You go in the school if you're called. Other than that you sit in your car all day because we got to stay, you know, within legal rights. So you're here, but you're not, your job is not to handle school discipline in school fights. And that's the type of progressive thinking we need when it comes to SROs if we're going to have them, but I say we need to get rid of 'em.

And put 'em, just replace them with more counselors, mental health...mental health services, social emotional learning, teach students how to deal with that trauma, how to deal with their conflict, because when you put them out

of school, all you're doing is putting them in the streets where these services are not available, and where they're increased them, excuse me, the chances that they'll come in contact with the criminal justice system increases.

We need more of this. Also need to get on our lawmakers. They need to make some changes, and thank goodness Virginia has made some changes. One thing, you know, sort of built by Jennifer McClellan, prevents students from being charged with disorderly conduct during school, on buses, or at school sponsored events. Plain and simple, you're not going to get charged with disorderly conduct. So, now we've taken the criminal justice system out of school discipline. A requirement, that report, requires the police to report misdemeanors to law enforcement. We've taken that out of the hands of princ...uh law enforcement. Now, principals can make decisions, principals can understand. And I can tell you, when you're working with teenagers, there's no such thing as a black and white situation. Everything has multiple angles. And so sometimes, it's not right to report uh...a minor crime to law enforcement. Case in point, I remember, there was a young lady, she had to walk through a dangerous neighborhood to get to school. So, she had carried a knife. One day it was raining, she forgot to ditch the knife before she came to school. And then she got searched and found a knife. Well, zero tolerance says kick her out of school. But the principal who understood her situation said, "No, we failed her, we need to provide her a safe route to school, so that she wouldn't have this." Now 10 years ago, she would have been sent... she would have been kicked out of school, sent to jail. Also, we've limited long term suspensions, the most you can get put out of school now it's 45 days. When I grew up, it was 365 days, you could get in trouble and you disappear for a year. And whatever you did during that year, you are not allowed to go to any other public school in the state of Virginia. And the most recent law, they eliminated jail time for truancy.

And so, that's what we have to do. We need to start holding everyone accountable. Because everyone is responsible for the school to prison pipeline, or as I say, school to cemetery pipeline. But we really have to change our attitudes on how we see boys and girls, especially black boys and girls. We really need to change how we view them, what they need to be successful, and start looking at ourselves as "what can we do to make them successful?" Now I'm gonna close with a small video of two films I want you to watch, you know, at some point, the first is "Push Out." The second is "Black Boys Film."

Video: This video went viral but incidents like this can be found throughout America. The criminalization of black girls in schools disrupts one of the most important factors in their lives, education. (Music) I would like for schools to become locations for healing so that they can become locations for learning.

These young women they are pushing up against racism, sexism, classism, homophobia, xenophobia. (Music) I've asked girls if they felt that teachers were afraid of them and some girls will say yes, their teachers are afraid of them and then they laugh because why would an adult be afraid of a child? My teacher got super-duper mad and dragged me by the chair, yelled at the other kids to move as she was dragging me to get out her way and dragged me all the way outside. In my 2nd grade class, everything I did was just like like the slightest bit of me doing something wrong like a normal 7 year old would do like getting up or on actually speaking without being called on that would just result to me getting into big trouble and that was just...I knew she was going to call my parents' home and I felt like that was just it. There was nothing I could do 'cause my parents didn't believe me at home. She would come home and feel like the teacher...she would say the teachers was just not nice she doesn't like me mom, um, and then the teacher was calling me saying Somia is having this problem that problem, and it just it just didn't make sense from the child she was before other than initially she's having an adjustment problem and I really unfortunately looked to Somia and not to the teacher. I trusted the teacher. We had a blind trust you know like most parents do because you can't imagine that a teacher would punish the child. No let's call it what it is, bully a child. They are often reduced to just being a...a body seen is something that could be easily discarded; they're just asking for dignity which you would think all of us would want.

Video: James Baldwin said, "To be a Negro in this country and to be relatively conscious means you are enraged almost all the time." (Music) You realize you live in a world where your humanity is constantly being questioned. This country needs to put the mirror up. We are angry because of the notion that we love our own community, we love our black boys and our black girls. These young people need saviors, they need believers. We're passing stuff onto generation to generation. We are better than what Black people and what Black males are experiencing. We are better than that. It's not Black boys that really have to change or be the one responsible for changing this nation...uh...this country needs to put the mirror up and do that changing. Until that happens, we are still going to be having this conversation. We're passing this stuff on from generation, to generation, to generation. It's reenforced in every institution, every system, every structure in this country so we have to think about in this process of creating the discourse and building trust a way of healing. What is white people's part in the conversation? Yeah, I mean it would be great if they joined it (laughs), just in general would be great if white people joined the conversation. I think a lot of people are actually feel like if they acknowledge some of these things and they're guilty like they did something wrong and you didn't do anything wrong the only thing wrong that you could do is ignore it. I think it's okay to acknowledge that there is no simple answer, and that love says I don't know but I'm committed to finding out. I can see the complicated history and that because I love you I wanna ignore it.

Robinson: Alright...uhh I wouldn't be national teacher of the year if I didn't give you all some homework if you go to tinyurl... URL ...URL, I'm struggling to say that word, I guess it's Friday afternoon, but if you go to tinyurl.com/urssttp, you will see a document. That document has links to

various articles about ending police in school... it also has links to those two films "Black Boys" film is free on the Peacock network. "Push Out," I think there's a small fee you have to pay but I challenge you to just go watch those films and then also Richmond Public Schools recently had panels on those films where we talked about how these things played out in our school system. 'Cause I'm a firm believer if you want to make the change the change doesn't start with our students, the change doesn't start with the system, the change starts with yourself and once you make that change and educate yourself then you can do better. If you don't know better you can do better. And so I challenge everyone listening today to educate yourself. Change make a change because it's life or death to our students when we put students out of school and we send them to the streets, the streets send them to prison, and if that's if they're lucky a lot of them end up in the cemetery and so if you have any other questions please reach out to me. I think I'm right at my time and... there we go.

Wright: Thank you so much Mr. Robinson um, I truly cannot think of a better way... or better person to wrap this whole day up. Um, you know we've spent all day talking about laws and policies kind of in the abstract and I think um you know your speech and your experience...um doing you know groundwork with us and with those students and I think I probably speak for... um everyone when I say you know the especially, especially the article that you shared and you're like I know all these people, these are not just names you know that you know you read in an article and as you say like just bodies but they're actual, they're kids and their um people and we need to see them that way. So, I just want to thank you again for...um being here for the time and the effort you've put into this and for sharing your experience and for giving us homework on a Friday afternoon.

Robison: (Laughs) It's movie homework, so it's good. You're just watching a movie and relaxing.

Wright: The best kind of homework, un, I know I saw that and I was like yep. What maybe the first time in a long time I've been happy to have some homework and feel like it... might be, you know, helpful for other people as well. But um again, just on behalf of uh PILR, on behalf of the law school, and um everything you're doing, thank you so much um for being here.

Robinson: It's my pleasure, my pleasure

Wright: So that concludes today's presentation in our event and I want to take this time. Sogand and I want to thank each and every one of you all the attendees for being here. Um just few housekeeping things. First...um as a reminder you will be receiving an email to uh fill out the CLE form, so that you can receive your CLE credit so be on the lookout for that. We'll also be

uploading all of the PowerPoints and visual aids used by the speakers so you can access those for the CLE materials. Um...and we also wanted to take this time just to say thank you to a few folks. First and foremost, I know you've heard this throughout the day, um, Carl Hamm, we have to give him a huge shout out. He has been here all day making sure everything runs smoothly. He has been so on top of it. Um, he is quite literally the backbone of the law school. Especially now that life is essentially virtual in almost every way um I can't tell you a class that I've been in that something happens and everyone's like let's call Carl and he's been there um, every single time so... thank you so much Carl Hamm. Uh we also wanted to thank Mary Ruth Walters in the Deans office. She is the Events and Communications Coordinator, here at the law school. And due to COVID uh which has look, which unlike past years, she has coordinated three different symposiums in the past month. So, she is the event queen and she has been wonderful as well and so helpful with keeping us organized and on top of everything and able to present this to you so thank you Mary Ruth. Um, we also wanted to thank PILR member Brianne Donovan. She is a Blog and Social Media Editor and she has gone above and beyond to help with advertising and creating graphics um to help spread the word about this symposium and about the important topics that we've been discussing today. She's also my roommate and has had to listen to just about every detail of planning this um for the past few months that we have, that this has been in the works so she has...she has done her duty in that regard um so thank you to those people.

Falahatpour: Um, another quick shout out to professors Casey and Samuel-Siegel, for monitoring in the panels today and for their guidance and advice as well. They have both also gone above and beyond in not only meeting with the panelists but ensuring that the questions and the conversations we have or not only informative, but impactful as well. We also want to thank our speakers today who have devoted their time and energy. This is clearly been a very unconventional symposium, um, an uncharted territory for everyone, so um their willingness to bear with us, and speak on such important topics really means the world to us. Um on behalf of our classmates, we are so excited to begin our legal careers and begin practicing law with the incredible agents of change. And now that we have this information and are equipped with this knowledge, we are ready and eager to follow in your footsteps. So, thank you all so much for attending and stay well.

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